

BILL NO. G-94-07-21 (AS AMENDED) (AS AMENDED)
(AS AMENDED) (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. 9-04-95

**AN ORDINANCE AMENDING CHAPTER 53:
"STORMWATER SERVICE," OF THE CITY OF
FORT WAYNE CODE OF ORDINANCES.**

WHEREAS, the Common Council of the City of Fort Wayne passed Ordinances G-17-91 and Amended Ordinance G-25-91 establishing an interim stormwater service charge for users of the Fort Wayne Stormwater Utility in 1991; and

WHEREAS, that schedule of interim Stormwater Service Charges, which is still in effect, was based on broad land-use classification of users, approximating the average impervious stormwater runoff contributed by each classification; and

WHEREAS, at the time of passage of Ordinance G-17-91 and Amended Ordinance G-25-91, the Common Council requested City Utilities staff to undertake a cost of service and rate study in order to more accurately assess stormwater service charges to individual users in a more equitable manner than currently adopted in the interim rate; and

WHEREAS, Woolpert Consultants along with David M. Griffith and Associates, Inc. and Strand and Associates, Inc. (Stormwater Consultants) were hired to assist City Utilities in performing the necessary cost of service and rate study analysis in order to implement a more equitable stormwater billing system; and

WHEREAS, Common Council representatives, Board of Public Works members, City Utilities and Civil City staff, along with the Stormwater Consultants were gathered to form a Stormwater Management Task Force to consider all issues involved in arriving at an acceptable stormwater management rate structure, which task force met on a regular basis from July, 1992 through July, 1993; and

WHEREAS, the work of the task force and consultants was presented to the Common Council in September, 1993; and

WHEREAS, the work of the Stormwater Consultants and the Stormwater Management Task Force was completed in July of 1994; and

WHEREAS, the work of the Stormwater Management Task Force, in conjunction with that of the Stormwater Consultants, culminated in a recommended stormwater rate structure which is fair, equitable, revenue sufficient, and which reflects the relative contribution of stormwater runoff from a property, the benefits enjoyed, and services received by each property as a result of the collection of surface water, and which considers the impervious area of the various properties within the City, because the extent of storm and surface water runoff from a particular parcel of property is largely a function of its impervious area.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. Chapter 53 of the Code of Ordinances of the City of Fort Wayne entitled "Stormwater Management Department" be amended as follows:

SECTION 53. STORMWATER MANAGEMENT DEPARTMENT

SECTION 53.01 BOARD OF STORMWATER MANAGEMENT TO OPERATE STORMWATER SYSTEM.

(A) Adoption of State Law.

The provisions of Indiana Code Chapter 8-1.5-5 are hereby adopted in their entirety, and the following entities established:

- (1) A Department of Stormwater Management within the Division of City Utilities.
- (2) A Board of Directors of the Department of Stormwater Management which shall consist of three (3) directors appointed by the Mayor, not more than two (2) of whom may be of the same political party. Directors shall serve terms of four (4) years; however, the initial terms shall be staggered. The Mayor may remove a director at any time when, in the

judgment of the Mayor, it is for the best interest of the Department.

- (3) A Stormwater Management District, extending to the corporate boundaries of the City of Fort Wayne is hereby established for the purpose of providing for the collection and disposal of stormwater of the City in a manner which protects the public health and welfare, and for the purpose of assessing fees to pay for the cost of stormwater facilities and services. As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(B) Powers of the Board.

The Board of Directors of the Department of Stormwater Management shall have exclusive jurisdiction over the collection and disposal of stormwater within the District, and shall possess all the powers and duties set forth in I.C. 8-1.5-3-4 and 8-1.5-5-6 including but not limited to the power to:

1. Establish and enforce Rules and Regulations governing the Department of Stormwater Management after approved in ordinance form by the Common Council.
2. Hold hearings following public notice.
3. Make findings and determinations.
4. Install, maintain and operate a stormwater collection and disposal system.
5. Make all necessary or desirable improvements of the grounds and premises under its control.
6. Recommend to the Common Council reasonable and just rates and charges for services to the customers of the District.

SECTION 53.02 PURPOSE AND OBJECTIVE.

The function of the Department of Stormwater Management is to provide for the safe and efficient capture and conveyance of stormwater runoff; mitigate the damaging effects of stormwater runoff; correct stormwater collection and conveyance problems; and fund the activities of stormwater management including design, planning, regulation, education, coordination, construction, operation, maintenance, inspection and enforcement activities, all for the protection of the public health, welfare and safety. It is the further function of the Department of Stormwater Management to insure the City of Fort Wayne's compliance with its NPDES Stormwater Discharge Permit(s).

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service in the City of Fort Wayne be established which allocates the cost of providing stormwater service to each user in such a manner that the charges assessed are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

SECTION 53.03 DEFINITIONS.

Whenever used in this Chapter 53, the meaning of the following words and terms shall be defined in this section:

ABATEMENT	Any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a stormwater drainage system.
AGRICULTURAL PROPERTY	A parcel or lot exceeding five (5) acres of land encompassing two (2) or more structures used to support agricultural activities.
APARTMENT/ CONDOMINIUM PROPERTY	A lot or parcel of real estate on which is situated a building containing 5 or greater single-family dwelling units, or on which 2 or more buildings each containing multiple single-family dwelling units are situated.
APPROVED PLANS	Plans approved by the Department of Stormwater Management according to a permits and plan review which will govern all improvements made within the City that require stormwater facilities or changes or alterations to existing stormwater facilities.
BOARD	Board of Directors of the Department of Stormwater Management established under Section 53.01 of the City of Fort Wayne Code of Ordinances.
CODE	Fort Wayne Code of Ordinances.
COMBINED SEWER	Pipe or conduit primarily designed to convey sanitary sewage and secondarily intended to convey stormwater.
DETENTION	The temporary storage of stormwater runoff in a basin, pond or other structure to control the peak discharge rates by holding the stormwater for a lengthened period of time and which provides some gravity settling of particulates.
DIRECTOR	The Director of the Division of City Utilities, City of Fort Wayne, Indiana.
DSM	Fort Wayne Department of Stormwater Management.
EQUIVALENT RESIDENTIAL UNIT (ERU)	A unit value, equal to the average amount of impervious area of a single family residential property within the City of Fort Wayne, and established at 2500 square feet of [measured] impervious area. It is also the basis for calculating the proper assessment of stormwater charges to all users of the Fort Wayne Stormwater System.

IMPERVIOUS AREA

Areas that has been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.

INFILTRATION

Infiltration is a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.

NON-RESIDENTIAL PROPERTY

All properties not encompassed by the definition of Residential shall be defined as Non-residential. Non-residential property will include:

- * - Agricultural property;
- * - Apartment and Condominium property
- * - Mobile Home Parks;
- * - Commercial property;
- * - Industrial property;
- * - Institutional property;
- * - Governmental property;
- * - Churches;
- * - Schools;
- * - Federal, State and Locals property; and
- * - any other property not mentioned in this or the list of residential properties below.

NPDES

National Pollutant Discharge Elimination System. Regulations for stormwater discharges as described in The Federal Register, 40 CFR Parts 122, 123 and 124.

NPDES PERMIT

Permit issued to the City pursuant to Section 402 of the Clean Water Act.

PEAK DISCHARGE

The peak discharge, sometimes called peak flow, is the maximum rate of flow of water passing a given point during or after a rainfall event.

PRIVATE STORMWATER FACILITIES

Various stormwater and drainage works not under the control or ownership of the City, County, State and/or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

PUBLIC STORMWATER FACILITIES

The various stormwater and drainage works under the control and/or ownership of the City, County, State or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets,

retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

**RESIDENTIAL
PROPERTY**

For the purpose of this ordinance, Residential Property refers to a lot or parcel of real estate on which a building or mobile home is situated which building contains a group of rooms forming a single inhabitable dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes a lot containing one individual building containing four (4) or fewer separate or contiguous single-family dwelling units. Each and every residential property shall be assigned one (1) ERU.

RETENTION

The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.

**SQUARE FOOTAGE OF
IMPERVIOUS AREA**

For the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard to topographic features of the enclosed surface.

STORM SEWER

A sewer designed or intended to convey only stormwater, surface runoff, street wash waters, and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry stormwater only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.

**STORMWATER SERVICE
CHARGE**

A charge imposed on users of the City's stormwater collection, impounding and transportation system.

**STORM WATER SERVICE
CUSTOMER/USER**

The owner of a lot or parcel of residential or non-residential property shall be considered the City Utilities Customer for the purpose of assessing stormwater service charges.

STORMWATER SYSTEM

All constructed facilities, including combined sewers, structures and natural watercourses under the ownership, and/or control of the City used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins and pumping stations; and excluding therefrom, any part of the system of drains and watercourses under the jurisdiction of the Allen County Drainage Board.

SECTION 53.04 STORMWATER SERVICE CHARGE.

A stormwater service charge shall be imposed on each and every lot and parcel of land within the City which directly or indirectly contributes to the stormwater system of the City, which charge shall be assessed against the owner thereof, who shall be considered the user for the purposes of this Ordinance. This charge is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future City stormwater system.

SECTION 53.05 STORMWATER RATE ESTABLISHMENT PROCEDURES.

A. The Stormwater Service Rate shall be \$1.80 per ERU per month. For the purpose of this Ordinance, a month shall be considered 25-35 days. Any billings for stormwater service outside this time shall be on a per diem basis.

B. This stormwater rate is designed to recover the cost of rendering stormwater service to the users of the Stormwater System, and shall be the basis for assessment of the City's stormwater service charge. This rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

C. This rate shall be evaluated annually as to its sufficiency to satisfy the needs of the DSM.

SECTION 53.06 RATE STRUCTURE AND CALCULATION

A. For the purposes stated in Sections 53.02 and 53.05 there is hereby assessed a stormwater service charge to each user situated within the corporate limits of the City of Fort Wayne who contributes directly or indirectly to the stormwater system of the City, in an amount as determined below.

B. For any such property, lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the City, such charge shall be based upon the quantity of impervious area situated thereon.

C. All properties having impervious area within the City of Fort Wayne will be assigned an Equivalent Residential Unit (ERU), or a multiple thereof, with all properties having impervious area assigned at least one (1) ERU.

(1.) Residential Properties: A monthly flat-rate charge for stormwater service rendered to residential properties shall be charged to each account within the City limits according to the service address. All residential properties are hereby assigned one (1) ERU. This flat rate shall apply to all residential properties as defined herein.

(2.) Non-residential Properties: Non-residential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by 2500 square feet (one ERU). This division will be calculated to the first decimal place.

(3.) Only whole ERUs shall be used. All rounding necessary to reach the appropriate whole ERU shall be done according to mathematical convention (0-0.4 rounded down to nearest whole ERU; 0.5-0.9 rounded up to nearest whole ERU).

D. There shall be no exceptions or exemptions from the assignment of gross stormwater ERU's.

SECTION 53.07 BILLINGS AND TERMS OF PAYMENT.

(A.) BILLINGS.

All stormwater service bills shall be rendered on a monthly basis, along with the user's charges for other City Utility services.

(B.) TERMS OF PAYMENT.

The stormwater service charges prescribed in Section 53.06 shall be due on the payment date set out on the bill. It shall be a violation of this Chapter to fail to pay a stormwater service bill when due. All bills for stormwater services not paid on or before the due date, which due date shall be approximately 15 days after the bill is rendered, shall be subject to a collection or deferred payment charge of 10% on outstanding balance.

(C.) PAYMENT PRIORITY.

Stormwater service charges shall take priority over all other charges for City Utility services. Partial payments shall first be applied to satisfy the garbage user fee under Chapter 50 of the Code and secondly, to these charges.

(D.) COLLECTION.

Delinquent stormwater service charges may be collected in a civil action along with other delinquent City Utility charges, reasonable attorney fees and court costs.

SECTION 53.08 APPEALS OF ERU DETERMINATION.

A. If, in the opinion of any user, the ERU multiple assigned to his property is inaccurate in light of the amount of imperious area of said property, the user shall have the right to contest the ERU determination and thus the rate assessed in the following manner.

B. User shall obtain and complete a Petition to Appeal Stormwater Rate form (Petition) which shall be returned to the DSM with verifiable documentation supporting user's claim.

C. The DSM shall investigate user's claim and, upon review thereof, shall render a written determination that either the original ERU determination and assessed rate should be affirmed or the user's rate should be adjusted according to the Petition.

D. If user's Petition is denied, said opinion shall be forwarded to user by certified mail, return receipt requested. User shall then have seven (7) days from date of receipt to request a reconsideration by the Director. Any additional facts concerning the dispute shall be reduced to writing and submitted, along with a copy of the original Petition and supporting documents, to the Director. The DSM shall submit a written report of the determination in the case, along with any documents used in denying the user's claim.

E. Thereafter, the Director, or his designee, shall review all documentation and conduct, as necessary in his opinion, an informal hearing to determine and resolve the dispute based on the documentation submitted and any oral testimony. A written opinion shall be rendered within thirty (30) days after the hearing or submission of documentation if no hearing is conducted. The written opinion of the Director or his designee shall constitute the final DSM determination, and may be challenged by the user by a written request to the Board for formal consideration within fifteen (15) days of the Director's opinion.

1 F. The Board shall conduct a hearing and issue a
2 determination which shall be binding on the City
3 Utilities. The hearing shall be electronically recorded
and a transcript of the hearing provided upon request at
a cost per page as determined by the City Utilities
Accounting Department and amended from time to time.

4 G. A party or person aggrieved by the final Board
5 determination shall have the right to judicial review of
such determination in accordance with Indiana law.

6 H. If the DSM recommends the user's rate be reduced, or
7 reduction is ordered by the Director, Board or court of
law, user shall be credited accordingly for any
8 overpayment made from the date of the Petition. However,
for all Petitions submitted by July 31, 1995, the reduced
9 rate shall be applied retroactively to the first (1st)
billing of service charges under this Ordinance. Said
10 credit shall apply both to metered usage and the
stormwater service charge, until any overpayment has been
fully adjusted.

11 I. Dispute or appeal of an ERU determination or
12 stormwater service rate shall not be a valid reason for
13 non-payment of the originally assessed stormwater service
charge by the user.

14 J. The right to appeal a rate classification under the
15 interim stormwater rate schedule pursuant to Amended
Ordinances G-25-91 and G-32-93 shall expire on June 30,
1995.

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17 SECTION 53.09 DISCOUNT AND CREDITS POLICIES AND
PROCEDURE.

18 This section establishes a discount for land and
19 buildings used for various purposes when exempt from
property taxation under I.C. 6-1.1-10-1, 6-1.1-10-2, 6-
20 1.1-10-4, 6-1.1-10-5, and 6-1.1-10-16.

21 This section also discusses some of the most common
22 credit considerations and requirements but is not
intended to be the exclusive authority. The Board,
23 through the Rules and Regulations of the DSM shall more
fully and completely establish the Credit Policies and
24 Procedures for stormwater management.

25 A. DISCOUNTS

26 The following categories of property exempt from
property taxation shall be entitled to a 15%
27 discount off of the gross ERUs assigned for any
such land or building under Section 53.06, where
the statutory exemption has been granted and can be
28 confirmed through the records of the Allen County
Auditor's Office, upon proper application for said
29 discount:

1. I.C. 6-1.1-10-1. Property of the United States and its agencies and instrumentalities.
2. I.C. 6-1.1-10-2. Property owned by the State of Indiana, and any agency thereof or the Indiana Bureau of Motor Vehicles Commission.
3. I.C. 6-1.1-10-4. Property owned by a Political Subdivision of the State of Indiana.
4. I.C. 6-1.1-10-5. Property owned by the City of Fort Wayne which is used to provide a municipal service.
5. I.C. 6-1.1-10-16. Property owned, occupied, and used for educational, literary, scientific, religious or charitable purposes.

B. CREDIT AVAILABILITY

1. Credit will be available to all properties for various forms and levels of abatement.
2. MAINTENANCE REQUIREMENTS - Credit will only be allowed for properties where structural controls are maintained in fully functional condition and according to maintenance criteria and design standards issued by the DSM.
3. EXISTING STRUCTURE CREDITS - Credit will be allowed for previously constructed abatement features or stormwater controls. The amount of credit granted will be determined by the methods of design as outlined within the Rules and Regulations of the DSM.
4. PROPERTY LOCATION - Credit will be granted on the basis of location of a given property in relation to a major waterway of the United States, if it directly discharges its stormwater to that waterway in conformance with all maintenance criteria and design standards as applicable. The waterways covered by this section shall include the St.-Mary's River, the St. Joseph River, the Maumee River, the major tributaries of these three (3) rivers and other ditches and drains specified in the Rules and Regulations of the DSM, and any legal public drains under the control by Allen County.
5. VOLUNTARY CONTROLS - For new developments, credit will be granted where the City requires abatement features or stormwater controls to be constructed and/or maintained, and all City standards and criteria are met. Other voluntary controls or upgrades of existing systems through retrofitting will be granted credits on a case-by-case basis considering the impact of the controls on the City's stormwater system, as determined by the DSM.

6. DETENTION/RETENTION - Credit will be granted for qualifying detention basins and wet ponds. Credit may be granted for other control devices on a case-by-case basis providing sufficient technical justification is available to make such determinations.
 7. OVERSIZING - Oversized private stormwater facilities or improvements exceeding standard abatement design criteria and intended to serve an area larger than the immediate project site or designed to handle a larger than specified storm event as required by the DSM shall be considered for additional credit.
 8. INDUSTRIAL NPDES PERMIT CREDITS - No credit shall be allowed for industries in compliance with federal laws and regulations regarding industrial stormwater discharge permits at this time.
 9. POLLUTION REDUCTION - No Credit will be allowed for voluntary efforts to reduce the amount of pollutants in a user's stormwater runoff or for improvements to the quality of a user's stormwater discharge at this time.
 10. REGIONAL BASINS - Credit will not be granted to properties draining into ponds or basins maintained or owned by the City. Credit will be considered for privately owned and maintained regional controls and will be apportioned among owners on a prearranged basis.
 11. PERCENT DISCOUNTED CREDITS FOR PRIVATE STORMWATER FACILITIES - Discounts and Credits shall be computed on an ERU basis. A maximum credit of less than 100% of the gross ERUs originally assigned can be granted for the construction and maintenance of private stormwater facilities considering the potential of each to reduce peak and/or volume stormwater flow and direct discharge capabilities. Private stormwater facilities eligible for credits listed above constitute elements of the secondary drainage system. The secondary system is designed to drain a limited area with benefits limited to the owners of the particular property or owners of adjacent properties. As such, secondary elements of the system are not eligible for 100% credit.
- Further, there are administrative costs involved with operation of the DSM which must be shared by all users, including costs incurred to meet quality-based permit requirements which provide community-wide benefits, and thus cannot be credited. Discounts and credits shall be cumulative; however, in no case shall the total amount of discounts and credits equal 100% of the user's gross stormwater service fee.
- The formula for determining the applicable credit percentage for individual parcels shall be specifically set out in the Rules and Regulations of the DSM.

12. FEDERAL, STATE, CITY AND COUNTY ROADWAYS, PUBLICLY-OWNED AIRPORT MOVEMENT AREAS - Publicly-owned streets and roads and highways shall be given 100% credit in reliance on governmental guidance documents which classify them as an integral part of the stormwater conveyance system. Publicly-owned airport movement areas including runways, taxiways, ramps and other areas of an airport which are used for taxiing or hover taxiing, air taxiing, takeoff, and landing of aircraft when constructed and maintained similarly to public roadways, shall also qualify for this credit. The surface water control systems incorporated in the design of roadways and airport movement are areas engineered to convey all design runoff without street flooding, etc. associated with frequent, small runoff events up to about 5 or 10 year recurrence intervals, and as such, constitute elements of the primary drainage system. Primary elements of the drainage system yield community-wide benefits and are installed to service the general public's interests, conveying runoff from large areas encompassing whole watersheds in some cases.

C. PROCEDURE

1. TIMING OF APPLICATIONS/DETERMINATIONS - Application for credits shall be made on forms provided by City Utilities and accompanied by the appropriate application fee. The fee shall be \$25.00 for residential users and \$100.00 for all others. It is the intent of the City that all applications will be reviewed and credits and discounts determined within thirty (30) days after submittal of a complete and correct application package. The credit will be effective on the 1st billing cycle for that property following completion of construction, or the date of the application. However, for all applications submitted by July 31, 1995, the credit or discount will be applied retroactively to the first billing of service charges under this Ordinance.
2. APPEALS - Appeals of credit or discount determinations shall be handled consistent with the procedures set out above for reconsideration of ERU Petitions. Appeals of credit or discount decisions will be made initially to the Director, or his designee. Should satisfaction not be achieved, an appeal may be lodged with the Board.
3. Application for credit or discount, or appeal of determination thereon shall not constitute a valid reason for non-payment of the originally assessed stormwater service charge by the user.

SECTION 53.10 STORMWATER FUND.

All revenues earned and fees collected for stormwater service, including but not limited to, drainage service charges, permit and inspection fees, direct charges and interest earnings on any unused funds shall be deposited in an account entitled "City of Fort Wayne Stormwater Account." Disbursements from this account will be authorized by the Board and, as required by law, the Common Council. Such disbursements will be used exclusively for the operation, maintenance and improvement of the City's stormwater system. Funds from this account shall not revert to any other City Utilities or Civil City fund and may not be transferred for any other purpose, including to avoid a default on bonds or any City Utilities fund or the City.

SECTION 53.11 LIEN ON PREMISES.

Each stormwater service charge rendered under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the City, and, if the same is not paid within ninety days after it shall be due and payable, it shall be certified to the Auditor of Allen County; who shall place the same on the tax duplicate of said County with the interest and penalties allowed by law to be collected as other taxes are collected.

SECTION 53.12 VIOLATIONS AND ENFORCEMENT.

A. Failure to pay a stormwater user fee when due shall constitute a violation of this Chapter, which shall be enforced by the Director and such deputies as the Director, with the approval of the Board, may appoint for such purposes.

B. In order to protect the integrity of the Fort Wayne Stormwater Utility, it is determined to be a violation of this Chapter to permit, allow or engage in the dumping or disposal of materials other than stormwater into the City's municipal separate stormwater system.

C. It shall be a violation of this Chapter to permit, allow or engage in the discharge of domestic sewage or industrial waste into any waterway of the United States including, but not limited to, the St. Mary's River, the St. Joseph River, the Maumee River, any of their tributaries or streams, or any streets, storm sewers or drains, ditches or drainage ways leading to any such waterway of the United States.

D. It shall be a violation of this Chapter to store polluting substances, as identified by USEPA or IDEM, in a manner which violates any federal, state or local statute, ordinance or regulation relating to the protection of the public health, safety and welfare or environment, when such storage is shown to have the potential of allowing discharge to any waterway of the United States including, but not limited to, the St. Mary's River, the St. Joseph River, the Maumee River, any of their tributaries or streams, or any streets, storm sewers or drains, ditches or drainageways leading to any such waterway of the United States.

- 1 E. Whenever said Director or any such deputy shall
2 deem it appropriate to charge any person with
3 violation(s) of this Chapter, he shall issue to
4 such person a Notice of Violation and/or summons,
5 which shall be processed according to the
6 provisions of I.C. 34-4-32-1.

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SECTION 53.13 PENALTY.

- 33 A. Any non-residential user charged under Section
34 53.12(A) above and found to be in violation shall
35 be subject to a fine of up to \$2500.00 per day and
36 shall be held responsible for the amount of the
37 outstanding bill, in lieu of a collection action
38 and assessment of collection or deferred payment
39 charges set out in Section 53.07 (B) and (C) or
40 lien procedures under Section 53.11.
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42 1B. Any user found in violation of Section 53.12(B)
43 shall be subject to a fine of up to \$2,500.00 per
44 day. In addition, said user may also be held
45 responsible for any costs incurred by the City in
46 rectifying a situation of pollution to the
47 waterways of the United States and/or for repairing
48 any damage to the public stormwater facility, and
49 or the stormwater system.
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51 C. Each day that such violation(s) or noncompliance
52 continues shall constitute a separate offense. Any
53 fine assessed by the court shall be deemed a civil
54 judgment.

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SECTION 53.14 SEVERABILITY.

- 83 A. The invalidity of any section, sentence, clause,
84 paragraph, part or provision of this Ordinance
85 shall not affect the validity of any other section,
86 sentence, clause, paragraph, part or provision of
87 this Ordinance which can be given meaning without
88 such invalid part or parts.
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90 B. All Ordinances or parts of Ordinances and sections
91 of the Municipal Code of the City of Fort Wayne in
92 conflict herewith are hereby repealed.

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SECTION 2. That this Ordinance shall be in
full force and effect beginning sixty (60) days after
passage and any and all necessary approval by the Mayor
and publication thereof.

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Read the first time in full and on motion by James, seconded by Paul Helmke, and duly adopted, read the second time by title and referred to the Committee on City Clerk (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 7-26-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED last by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>	<u>1</u>		<u>2</u>
BRADBURY				<u>1</u>
EDMONDS				<u>1</u>
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO		<u>✓</u>		

DATED: 1-10-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. 9-04-95

on the 10th day of January, 1995

ATTEST: Sandra E. Kennedy (SEAL) Don J. Schneider
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of January, 1995, at the hour of 11:30 o'clock A, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of January, 1995, at the hour of 2:00 o'clock P M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. G-94-07-21 (as amended) (as amended) *(as amended)* *(as amended)* *(as amended)*

REPORT OF THE COMMITTEE ON
CITY UTILITIES
SAMUEL J. TALARICO - JANET G. BRADBURY - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AMENDING CHAPTER 53:

"STORMWATER SERVICE" OF THE CITY OF FORT WAYNE CODE OF ORDINANCES

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

S. J. Talarico
Janet G. Bradbury
Robert Talarico
Bill D.
Mike D.
Mike D.
Mike D.
Mike D.
Mike D.
Mike D.

DATED: 1-10-95

Sandra E. Kennedy
City Clerk

GENERAL ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53:
"STORMWATER SERVICE," OF THE CITY OF
FORT WAYNE CODE OF ORDINANCES.

WHEREAS, the Common Council of the City of Fort Wayne passed Ordinances G-17-91 and Amended Ordinance G-25-91 establishing an interim stormwater service charge for users of the Fort Wayne Stormwater Utility in 1991; and

WHEREAS, that schedule of interim Stormwater Service Charges, which is still in effect, was based on broad land-use classification of users, approximating the average impervious stormwater runoff contributed by each classification; and

WHEREAS, at the time of passage of Ordinance G-17-91 and Amended Ordinance G-25-91, the Common Council requested City Utilities staff to undertake a cost of service and rate study in order to more accurately assess stormwater service charges to individual users in a more equitable manner than currently adopted in the interim rate; and

WHEREAS, Woolpert Consultants along with David M. Griffith and Associates, Inc. and Strand and Associates, Inc. (Stormwater Consultants) were hired to assist City Utilities in performing the necessary cost of service and rate study analysis in order to implement a more equitable stormwater billing system; and

WHEREAS, Common Council representatives, Board of Public Works members, City Utilities and Civil City staff, along with the Stormwater Consultants were gathered to form a Stormwater Management Task Force to consider all issues involved in arriving at an acceptable stormwater management rate structure, which task force met on a regular basis from July, 1992 through July, 1993; and

WHEREAS, the work of the task force and consultants was presented to the Common Council in September, 1993; and

WHEREAS, the work of the Stormwater Consultants and the Stormwater Management Task Force was completed in July of 1994; and

WHEREAS, the work of the Stormwater Management Task Force, in conjunction with that of the Stormwater Consultants, culminated in a recommended stormwater rate structure which is fair, equitable, revenue sufficient, and which reflects the relative contribution of stormwater runoff from a property, the benefits enjoyed, and services received by each property as a result of the collection of surface water, and which considers the impervious area of the various properties within the City, because the extent of storm and surface water runoff from a particular parcel of property is largely a function of its impervious area.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. Chapter 53 of the Code of Ordinances of the City of Fort Wayne entitled "Stormwater Management Department" be amended as follows:

SECTION 53. STORMWATER MANAGEMENT DEPARTMENT

SECTION 53.01 BOARD OF STORMWATER MANAGEMENT TO OPERATE STORMWATER SYSTEM.

(A) Adoption of State Law.

The provisions of Indiana Code Chapter 8-1.5-5 are hereby adopted in their entirety, and the following entities established:

- (1) A Department of Stormwater Management within the Division of City Utilities.
- (2) A Board of Directors of the Department of Stormwater Management which shall consist of three (3) directors appointed by the Mayor, not more than two (2) of whom may be of the same political party. Directors shall serve terms of four (4) years; however, the initial terms shall be staggered. The Mayor may remove a director at any time when, in the

judgment of the Mayor, it is for the best interest of the Department.

- (3) A Stormwater Management District, extending to the corporate boundaries of the City of Fort Wayne is hereby established for the purpose of providing for the collection and disposal of stormwater of the City in a manner which protects the public health and welfare, and for the purpose of assessing fees to pay for the cost of stormwater facilities and services. As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(B) Powers of the Board.

The Board of Directors of the Department of Stormwater Management shall have exclusive jurisdiction over the collection and disposal of stormwater within the District, and shall possess all the powers and duties set forth in I.C. 8-1.5-3-4 and 8-1.5-5-6 including but not limited to the power to:

1. Establish and enforce Rules and Regulations governing the Department of Stormwater Management after approved in ordinance form by the Common Council.
2. Hold hearings following public notice.
3. Make findings and determinations.
4. Install, maintain and operate a stormwater collection and disposal system.
5. Make all necessary or desirable improvements of the grounds and premises under its control.
6. Recommend to the Common Council reasonable and just rates and charges for services to the customers of the District.

SECTION 53.02 PURPOSE AND OBJECTIVE.

The function of the Department of Stormwater Management is to provide for the safe and efficient capture and conveyance of stormwater runoff; mitigate the damaging effects of stormwater runoff; correct stormwater collection and conveyance problems; and fund the activities of stormwater management including design, planning, regulation, education, coordination, construction, operation, maintenance, inspection and enforcement activities, all for the protection of the public health, welfare and safety. It is the further function of the Department of Stormwater Management to insure the City of Fort Wayne's compliance with its NPDES Stormwater Discharge Permit(s).

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service in the City of Fort Wayne be established which allocates the cost of providing stormwater service to each user in such a manner that the charges assessed are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

SECTION 53.03 DEFINITIONS.

Whenever used in this Chapter 53, the meaning of the following words and terms shall be defined in this section:

ABATEMENT	Any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a stormwater drainage system.
AGRICULTURAL PROPERTY	A parcel or lot exceeding five (5) acres of land encompassing two (2) or more structures used to support agricultural activities.
APARTMENT/ CONDOMINIUM PROPERTY	A lot or parcel of real estate on which is situated a building containing 5 or greater single-family dwelling units, or on which 2 or more buildings each containing multiple single-family dwelling units are situated.
APPROVED PLANS	Plans approved by the Department of Stormwater Management according to a permits and plan review which will govern all improvements made within the City that require stormwater facilities or changes or alterations to existing stormwater facilities.
BOARD	Board of Directors of the Department of Stormwater Management established under Section 53.01 of the City of Fort Wayne Code of Ordinances.
CODE	Fort Wayne Code of Ordinances.
COMBINED SEWER	Pipe or conduit primarily designed to convey sanitary sewage and secondarily intended to convey stormwater.
DETENTION	The temporary storage of stormwater runoff in a basin, pond or other structure to control the peak discharge rates by holding the stormwater for a lengthened period of time and which provides some gravity settling of particulates.
DIRECTOR	The Director of the Division of City Utilities, City of Fort Wayne, Indiana.
DSM	Fort Wayne Department of Stormwater Management.
EQUIVALENT RESIDENTIAL UNIT (ERU)	A unit value, equal to the average amount of impervious area of a single family residential property within the City of Fort Wayne, and established at 2500 square feet of [measured] impervious area. It is also the basis for calculating the proper assessment of stormwater charges to all users of the Fort Wayne Stormwater System.

IMPERVIOUS AREA

Areas that has been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.

INFILTRATION

Infiltration is a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.

NON-RESIDENTIAL PROPERTY

All properties not encompassed by the definition of Residential shall be defined as Non-residential. Non-residential property will include:

- * - Agricultural property;
- * - Apartment and Condominium property
- * - Mobile Home Parks;
- * - Commercial property;
- * - Industrial property;
- * - Institutional property;
- * - Governmental property;
- * - Churches;
- * - Schools;
- * - Federal, State and Locals property; and
- * - any other property not mentioned in this or the list of residential properties below.

NPDES

National Pollutant Discharge Elimination System. Regulations for stormwater discharges as described in The Federal Register, 40 CFR Parts 122, 123 and 124.

NPDES PERMIT

Permit issued to the City pursuant to Section 402 of the Clean Water Act.

PEAK DISCHARGE

The peak discharge, sometimes called peak flow, is the maximum rate of flow of water passing a given point during or after a rainfall event.

PRIVATE STORMWATER FACILITIES

Various stormwater and drainage works not under the control or ownership of the City, County, State and/or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

PUBLIC STORMWATER FACILITIES

The various stormwater and drainage works under the control and/or ownership of the City, County, State or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets,

retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

**RESIDENTIAL
PROPERTY**

For the purpose of this ordinance, Residential Property refers to a lot or parcel of real estate on which a building or mobile home is situated which building contains a group of rooms forming a single inhabitable dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes a lot containing one individual building containing four (4) or fewer separate or contiguous single-family dwelling units. Each and every residential property shall be assigned one (1) ERU.

RETENTION

The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.

**SQUARE FOOTAGE OF
IMPERVIOUS AREA**

For the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard to topographic features of the enclosed surface.

STORM SEWER

A sewer designed or intended to convey only stormwater, surface runoff, street wash waters, and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry stormwater only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.

**STORMWATER SERVICE
CHARGE**

A charge imposed on users of the City's stormwater collection, impounding and transportation system.

**STORM WATER SERVICE
CUSTOMER/USER**

The owner of a lot or parcel of residential or non-residential property shall be considered the City Utilities Customer for the purpose of assessing stormwater service charges.

STORMWATER SYSTEM

All constructed facilities, including combined sewers, structures and natural watercourses

under the ownership, and/or control of the City used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins and pumping stations; and excluding therefrom, any part of the system of drains and watercourses under the jurisdiction of the Allen County Drainage Board.

SECTION 53.04 STORMWATER SERVICE CHARGE.

A stormwater service charge shall be imposed on each and every lot and parcel of land within the City which directly or indirectly contributes to the stormwater system of the City, which charge shall be assessed against the owner thereof, who shall be considered the user for the purposes of this Ordinance. This charge is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future City stormwater system.

SECTION 53.05 STORMWATER RATE ESTABLISHMENT PROCEDURES.

A. The Stormwater Service Rate shall be \$1.94 per ERU per month. For the purpose of this Ordinance, a month shall be considered 25-35 days. Any billings for stormwater service outside this time shall be on a per diem basis.

B. This stormwater rate is designed to recover the cost of rendering stormwater service to the users of the Stormwater System, and shall be the basis for assessment of the City's stormwater service charge. This rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

C. This rate shall be evaluated annually as to its sufficiency to satisfy the needs of the DSM.

SECTION 53.06 RATE STRUCTURE.

A. For the purposes stated in Sections 53.02 and 53.05 there is hereby assessed a stormwater service charge to each user situated within the corporate limits of the City of Fort Wayne who contributes directly or indirectly to the stormwater system of the City, in an amount as determined below.

B. For any such property, lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the City, such charge shall be based upon the quantity of impervious area situated thereon.

C. All properties having impervious area within the City of Fort Wayne will be assigned an Equivalent

Residential Unit (ERU), or a multiple thereof, with all properties having impervious area receiving at least one (1) ERU.

(1.) Residential Properties: A monthly flat-rate charge for stormwater service rendered to residential properties shall be charged to each account within the City limits according to the service address. All residential properties are hereby assigned one (1) ERU. This flat rate shall apply to all residential properties as defined herein.

(2.) Non-residential Properties: Non-residential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by 2500 square feet (one ERU). Only whole ERUs shall be used. This division will be calculated to the first decimal place and rounded according to mathematical convention (0-0.4 rounded down to nearest whole ERU; 0.5-0.9 rounded up to nearest whole ERU). Rounding protocol shall apply only when measured impervious surface exceeds one (1) whole ERU.

D. There shall be no exceptions from stormwater service charges.

SECTION 53.07 BILLINGS AND TERMS OF PAYMENT.

(A.) BILLINGS.

All stormwater service bills shall be rendered on a monthly basis, along with the user's charges for other City Utility services.

(B.) TERMS OF PAYMENT.

The stormwater service charges prescribed in Section 53.06 shall be due on the payment date set out on the bill. It shall be a violation of this Chapter to fail to pay a stormwater service bill when due. All bills for stormwater services not paid on or before the due date, which due date shall be approximately 15 days after the bill is rendered, shall be subject to a collection or deferred payment charge of 10% on outstanding balance.

(C.) PAYMENT PRIORITY.

Stormwater service charges shall take priority over all other charges for City Utility services. Partial payments shall first be applied to satisfy the garbage user fee under Chapter 50 of the Code and secondly, to these charges.

(D.) COLLECTION.

Delinquent stormwater service charges may be collected in a civil action along with other delinquent City Utility charges, reasonable attorney fees and court costs.

SECTION 53.08 APPEALS OF ERU DETERMINATION.

A. If, in the opinion of any user, the ERU multiple assigned to his property is inaccurate in light of the amount of imperious area of said property, the user shall have the right to contest the ERU determination and thus the rate assessed in the following manner.

B. User shall obtain and complete a Petition to Appeal Stormwater Rate form (Petition) which shall be returned to the DSM with verifiable documentation supporting user's claim.

C. The DSM shall investigate user's claim and, upon review thereof, shall render a written determination that either the original ERU determination and assessed rate should be affirmed or the user's rate should be adjusted according to the Petition.

D. If user's Petition is denied, said opinion shall be forwarded to user by certified mail, return receipt requested. User shall then have seven (7) days from date of receipt to request a reconsideration by the Director. Any additional facts concerning the dispute shall be reduced to writing and submitted, along with a copy of the original Petition and supporting documents, to the Director. The DSM shall submit a written report of the determination in the case, along with any documents used in denying the user's claim.

E. Thereafter, the Director, or his designee, shall review all documentation and conduct, as necessary in his opinion, an informal hearing to determine and resolve the dispute based on the documentation submitted and any oral testimony. A written opinion shall be rendered within thirty (30) days after the hearing or submission of documentation if no hearing is conducted. The written opinion of the Director or his designee shall constitute the final DSM determination, and may be challenged by the user by a written request to the Board for formal consideration within fifteen (15) days of the Director's opinion.

F. The Board shall conduct a hearing and issue a determination which shall be binding on the City Utilities. The hearing shall be electronically recorded and a transcript of the hearing provided upon request at a cost per page as determined by the City Utilities Accounting Department and amended from time to time.

G. A party or person aggrieved by the final Board determination shall have the right to judicial review of such determination in accordance with Indiana law.

H. If the DSM recommends the user's rate be reduced, or reduction is ordered by the Director, Board or court of law, user shall be credited accordingly for any overpayment made from the date of the Petition. However, for all Petitions submitted by July 31, 1995, the reduced rate shall be applied retroactively to the first (1st) billing of service charges under this Ordinance. Said credit shall apply both to metered usage and the stormwater service charge, until any overpayment has been fully adjusted.

I. Dispute or appeal of an ERU determination or stormwater service rate shall not be a valid reason for non-payment of the originally assessed stormwater service charge by the user.

J. The right to appeal a rate classification under the interim stormwater rate schedule pursuant to Amended Ordinances G-25-91 and G-32-93 shall expire upon the effective date of this Ordinance.

SECTION 53.09 CREDITS POLICY AND PROCEDURE.

This section discusses some of the most common credit considerations and requirements but is not intended to be the exclusive authority. The Board, through the Rules and Regulations of the DSM shall more fully and completely establish the Credit Policies and Procedures for stormwater management.

A. CREDIT AVAILABILITY

1. Credit will be available to all properties properties for various forms and levels of abatement.
2. MAINTENANCE REQUIREMENTS - Credit will only be allowed for properties where structural controls are maintained in fully functional condition and according to maintenance criteria and design standards issued by the DSM.
3. EXISTING STRUCTURE CREDITS - Credit will be allowed for previously constructed abatement features or stormwater controls. The amount of credit granted will be determined by the methods of design as outlined within the Rules and Regulations of the DSM.
4. PROPERTY LOCATION - Credit will be granted on the basis of location of a given property in relation to a major waterway of the United States, if it directly discharges its stormwater to that waterway in conformance with all maintenance criteria and design standards as applicable. The waterways covered by this section shall include the St.-Mary's River, the St. Joseph River, the Maumee River, the major tributaries of these three (3) rivers and other ditches and drains specified in the Rules and Regulations of the DSM and any legal public drain under the control of Allen County.
5. VOLUNTARY CONTROLS - For new developments, credit will be granted where the City requires abatement features or stormwater controls to be constructed and/or maintained, and all City standards and criteria are met. Other voluntary controls or upgrades of existing systems through retrofitting will be granted credits on a case-by-case basis considering the impact of the controls on the City's stormwater system, as determined by the DSM.
6. DETENTION/RETENTION - Credit will be granted for qualifying detention basins and wet ponds. Credit may be granted for other control devices on a case-by-case basis providing sufficient technical justification is available to make such determinations.
7. OVERSIZING - Oversized private stormwater facilities or improvements exceeding standard

abatement design criteria and intended to serve an area larger than the immediate project site or designed to handle a larger than specified storm event as required by the DSM shall be considered for additional credit.

8. INDUSTRIAL NPDES PERMIT CREDITS - No credit shall be allowed for industries in compliance with federal laws and regulations regarding industrial stormwater discharge permits at this time.
9. POLLUTION REDUCTION - No Credit will be allowed for voluntary efforts to reduce the amount of pollutants in a user's stormwater runoff or for improvements to the quality of a user's stormwater discharge at this time.
10. REGIONAL BASINS - Credit will not be granted to properties draining into ponds or basins maintained or owned by the City. Credit will be considered for privately owned and maintained regional controls and will be apportioned among owners on a prearranged basis.
11. PERCENT CREDITS FOR PRIVATE STORMWATER FACILITIES - A maximum credit of less than 100% of the user fee can be granted for the construction and maintenance of private stormwater facilities considering the potential of each to reduce peak and/or volume stormwater flow and direct discharge capabilities. Private stormwater facilities eligible for credits listed above constitute elements of the secondary drainage system. The secondary system is designed to drain a limited area with benefits limited to the owners of the particular property or owners of adjacent properties. As such, secondary elements of the system are not eligible for 100% credit.

Further, there are administrative costs involved with operation of the DSM which must be shared by all users, along with costs incurred to meet quality-based permit requirements which provide community-wide benefits, and thus cannot be credited.

The formula for determining the applicable credit percentage for individual parcels shall be specifically set out in the Rules and Regulations of the DSM.

12. FEDERAL, STATE, CITY AND COUNTY ROADWAYS, PUBLICLY-OWNED AIRPORT MOVEMENT AREAS - Publicly-owned streets and roads and highways shall be given 100% credit in reliance on governmental guidance documents which classify them as an integral part of the stormwater conveyance system. Publicly-owned airport movement areas including runways, taxiways, ramps and other areas of an airport which are used for taxiing or hover taxiing, air taxiing, takeoff, and landing of aircraft when constructed and maintained similarly to public roadways, shall also qualify for this credit. The surface water control systems incorporated in the design of roadways and airport movement

1 areas are engineered to convey all design
2 runoff without street flooding, etc.
3 associated with frequent, small runoff events
4 up to about 5 or 10 year recurrence intervals,
5 and as such, constitute elements of the
6 primary drainage system. Primary elements of
7 the drainage system yield community-wide
8 benefits and are installed to service the
9 general public's interests, conveying runoff
10 from large areas encompassing whole watersheds
11 in some cases.

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B. CREDIT PROCEDURE

1. TIMING OF APPLICATIONS/DETERMINATIONS -
Application for credits shall be made on
forms provided by City Utilities and
accompanied by the appropriate appli-
cation fee. The fee shall be \$25.00 for
residential users and \$100.00 for all
others. It is the intent of the City
that all applications will be reviewed
and credits determined within thirty (30)
days after submittal of a complete and
correct application package. The credit
will be effective on the 1st billing
cycle for that property following
completion of construction, or the date
of the application. However, for all
applications submitted by July 31, 1995,
the credit will be applied retroactively
to the first billing of service charges
under this Ordinance.
2. APPEALS - Appeals of credit
determinations shall be handled
consistent with the procedures set out
above for reconsideration of ERU
Petitions. Appeals of credit decisions
will be made initially to the Director,
or his designee. Should satisfaction not
be achieved, an appeal may be lodged with
the Board.
3. Application for credit or appeal of
determination thereon shall not
constitute a valid reason for non-payment
of the originally assessed stormwater
service charge by the user.

SECTION 53.10 STORMWATER FUND.

All revenues earned and fees collected for
stormwater service, including but not limited to,
drainage service charges, permit and inspection fees,
direct charges and interest earnings on any unused funds
shall be deposited in an account entitled "City of Fort
Wayne Stormwater Account." Disbursements from this
account will be authorized by the Board and, as required
by law, the Common Council. Such disbursements will be
used exclusively for the operation, maintenance and
improvement of the City's stormwater system. Funds from
this account shall not revert to any other City Utilities
or civil City fund and may not be transferred for any
other purpose, including to avoid a default on bonds or
any City Utilities fund or the City.

SECTION 53.11 LIEN ON PREMISES.

Each stormwater service charge rendered under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the City, and, if the same is not paid within ninety days after it shall be due and payable, it shall be certified to the Auditor of Allen County; who shall place the same on the tax duplicate of said County with the interest and penalties allowed by law to be collected as other taxes are collected.

SECTION 53.12 VIOLATIONS AND ENFORCEMENT.

A. Failure to pay a stormwater user fee when due shall constitute a violation of this Chapter, which shall be enforced by the Director and such deputies as the Director, with the approval of the Board, may appoint for such purposes.

B. In order to protect the integrity of the Fort Wayne Stormwater Utility, it is determined to be a violation of this Chapter to permit, allow or engage in the dumping or disposal of materials other than stormwater into the city's municipal separate stormwater system.

C. It shall be a violation of this Chapter to permit, allow or engage in the discharge of domestic sewage or industrial waste into any waterway of the United States including, but not limited to, the St. Mary's River, the St. Joseph River, the Maumee River, any of their tributaries or streams, or any streets, storm sewers or drains, ditches or drainage ways leading to any such waterway of the United States.

D. It shall be a violation of this Chapter to store polluting substances, as identified by USEPA or IDEM, in a manner which violates any federal, state or local statute, ordinance or regulation relating to the protection of the public health, safety and welfare or environment.

E. Whenever said Director or any such deputy shall deem it appropriate to charge any person with violation(s) of this Chapter, he shall issue to such person a Notice of Violation and/or summons, which shall be processed according to the provisions of I.C. 34-4-32-1.

SECTION 53.13 PENALTY.

A. Any non-residential user charged under Section 53.12(A) above and found to be in violation shall be subject to a fine of up to \$2500.00 per day and shall be held responsible for the amount of the outstanding bill, in lieu of a collection action and assessment of collection or deferred payment charges set out in Section 53.07 (B) and (C) or lien procedures under Section 53.11.

1B. Any user found in violation of Section 53.12(B) shall be subject to a fine of up to \$2,500.00 per day. In addition, said user may also be held responsible for any costs incurred by the City in rectifying a situation of pollution to the waterways of the United States and/or for repairing

any damage to the public stormwater facility, and
or the stormwater system.

- C. Each day that such violation(s) or noncompliance continues shall constitute a separate offense. Any fine assessed by the court shall be deemed a civil judgment.


SECTION 53.14 SEVERABILITY.

- A. The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.
- B. All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne in conflict herewith are hereby repealed.

SECTION 2. That this Ordinance shall be in full force and effect beginning February 1, 1995, pending its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY MCCAULAY, CITY ATTORNEY

GENERAL ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53:
"STORMWATER SERVICE," OF THE CITY OF
FORT WAYNE CODE OF ORDINANCES.

WHEREAS, the Common Council of the City of Fort Wayne passed Ordinances G-17-91 and Amended Ordinance G-25-91 establishing an interim stormwater service charge for users of the Fort Wayne Stormwater Utility in 1991; and

WHEREAS, that schedule of interim Stormwater Service Charges, which is still in effect, was based on broad land-use classification of users, approximating the average impervious stormwater runoff contributed by each classification; and

WHEREAS, at the time of passage of Ordinance G-17-91 and Amended Ordinance G-25-91, the Common Council requested City Utilities staff to undertake a cost of service and rate study in order to more accurately assess stormwater service charges to individual users in a more equitable manner than currently adopted in the interim rate; and

WHEREAS, Woolpert Consultants along with David M. Griffith and Associates, Inc. and Strand and Associates, Inc. (Stormwater Consultants) were hired to assist City Utilities in performing the necessary cost of service and rate study analysis in order to implement a more equitable stormwater billing system; and

WHEREAS, Common Council representatives, Board of Public Works members, City Utilities and Civil City staff, along with the Stormwater Consultants were gathered to form a Stormwater Management Task Force to consider all issues involved in arriving at an acceptable stormwater management rate structure, which task force met on a regular basis from July, 1992 through July, 1993; and

WHEREAS, the work of the task force and consultants was presented to the Common Council in September, 1993; and

WHEREAS, the work of the Stormwater Consultants and the Stormwater Management Task Force was completed in July of 1994; and

WHEREAS, the work of the Stormwater Management Task Force, in conjunction with that of the Stormwater Consultants, culminated in a recommended stormwater rate structure which is fair, equitable, revenue sufficient, and which reflects the relative contribution of stormwater runoff from a property, the benefits enjoyed, and services received by each property as a result of the collection of surface water, and which considers the impervious area of the various properties within the City, because the extent of storm and surface water runoff from a particular parcel of property is largely a function of its impervious area.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

SECTION 1. Chapter 53 of the Code of Ordinances of the City of Fort Wayne entitled "Stormwater Management Department" be amended as follows:

SECTION 53. STORMWATER MANAGEMENT DEPARTMENT

SECTION 53.01 BOARD OF STORMWATER MANAGEMENT TO OPERATE STORMWATER SYSTEM.

(A) Adoption of State Law.

The provisions of Indiana Code Chapter 8-1.5-5 are hereby adopted in their entirety, and the following entities established:

- (1) A Department of Stormwater Management within the Division of City Utilities.
- (2) A Board of Directors of the Department of Stormwater Management which shall consist of three (3) directors appointed by the Mayor, not more than two (2) of whom may be of the same political party. Directors shall serve terms of four (4) years; however, the initial terms shall be staggered. The Mayor may remove a director at any time when, in the

judgment of the Mayor, it is for the best interest of the Department.

- (3) A Stormwater Management District, extending to the corporate boundaries of the City of Fort Wayne is hereby established for the purpose of providing for the collection and disposal of stormwater of the City in a manner which protects the public health and welfare, and for the purpose of assessing fees to pay for the cost of stormwater facilities and services. As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(B) Powers of the Board.

The Board of Directors of the Department of Stormwater Management shall have exclusive jurisdiction over the collection and disposal of stormwater within the District, and shall possess all the powers and duties set forth in I.C. 8-1.5-3-4 and 8-1.5-5-6 including but not limited to the power to:

1. Establish and enforce Rules and Regulations governing the Department of Stormwater Management.
2. Hold hearings following public notice.
3. Make findings and determinations.
4. Install, maintain and operate a stormwater collection and disposal system.
5. Make all necessary or desirable improvements of the grounds and premises under its control.
6. Recommend to the Common Council reasonable and just rates and charges for services to the customers of the District.

SECTION 53.02 PURPOSE AND OBJECTIVE.

The function of the Department of Stormwater Management is to provide for the safe and efficient capture and conveyance of stormwater runoff; mitigate the damaging effects of stormwater runoff; correct stormwater collection and conveyance problems; and fund the activities of stormwater management including design, planning, regulation, education, coordination, construction, operation, maintenance, inspection and enforcement activities, all for the protection of the public health, welfare and safety. It is the further function of the Department of Stormwater Management to insure the City of Fort Wayne's compliance with its NPDES Stormwater Discharge Permit(s).

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service in the City of Fort Wayne be established which allocates the cost of providing stormwater service to each user in such a manner that the charges assessed are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

SECTION 53.03 DEFINITIONS.

Whenever used in this Chapter 53, the meaning of the following words and terms shall be defined in this section:

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APARTMENT/ CONDOMINIUM PROPERTY	A lot or parcel of real estate on which is situated a building containing 5 or greater single-family dwelling units, or on which 2 or more buildings each containing multiple single-family dwelling units are situated.
APPROVED PLANS	Plans approved by the Department of Stormwater Management according to a permits and plan review which will govern all improvements made within the City that require stormwater facilities or changes or alterations to existing stormwater facilities.
BOARD	Board of Directors of the Department of Stormwater Management established under Section 53.01 of the City of Fort Wayne Code of Ordinances.
CODE	Fort Wayne Code of Ordinances.
COMBINED SEWER	Pipe or conduit primarily designed to convey sanitary sewage and secondarily intended to convey stormwater.
DETENTION	The temporary storage of stormwater runoff in a basin, pond or other structure to control the peak discharge rates by holding the stormwater for a lengthened period of time and which provides some gravity settling of particulates.
DIRECTOR	The Director of the Division of City Utilities, City of Fort Wayne, Indiana.
DSM	Fort Wayne Department of Stormwater Management.
EQUIVALENT RESIDENTIAL UNIT (ERU)	A unit value, equal to the average amount of impervious area of a single family residential property within the City of Fort Wayne, and established at 2500 square feet of [measured] impervious area. It is also the basis for calculating the proper assessment of stormwater charges to all users of the Fort Wayne Stormwater System.

1	IMPERVIOUS AREA	Areas that has been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.
2		
3		
4	INFILTRATION	Infiltration is a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.
5		
6		
7	NON-RESIDENTIAL PROPERTY	All properties not encompassed by the definition of Residential shall be defined as Non-residential. Non-residential property will include:
8		
9		* - Agricultural property;
10		* - Apartment and Condominium property
11		* - Mobile Home Parks;
12		* - Commercial property;
13		* - Industrial property;
14		* - Institutional property;
15		* - Governmental property;
16		* - Churches;
17		* - Schools;
18		* - Federal, State and Locals property; and
19		* - any other property not mentioned in this or the list of residential properties below.
20	NPDES	National Pollutant Discharge Elimination System. Regulations for stormwater discharges as described in The Federal Register, 40 CFR Parts 122, 123 and 124.
21	NPDES PERMIT	Permit issued to the City pursuant to Section 402 of the Clean Water Act.
22		
23	PEAK DISCHARGE	The peak discharge, sometimes called peak flow, is the maximum rate of flow of water passing a given point during or after a rainfall event.
24		
25	PRIVATE STORMWATER FACILITIES	Various stormwater and drainage works not under the control or ownership of the City, County, State and/or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
26		
27		
28		
29		
30		
31	PUBLIC STORMWATER FACILITIES	The various stormwater and drainage works under the control and/or ownership of the City, County, State or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets,
32		

retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

**RESIDENTIAL
PROPERTY**

For the purpose of this ordinance, Residential Property refers to a lot or parcel of real estate on which a building or mobile home is situated which building contains a group of rooms forming a single inhabitable dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes a lot containing one individual building containing four (4) or fewer separate or contiguous single-family dwelling units. Each and every residential property shall be assigned one (1) ERU.

RETENTION

The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.

**SQUARE FOOTAGE OF
IMPERVIOUS AREA**

For the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard to topographic features of the enclosed surface.

STORM SEWER

A sewer designed or intended to convey only stormwater, surface runoff, street wash waters, and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry stormwater only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.

**STORMWATER SERVICE
CHARGE**

A charge imposed on users of the City's stormwater collection, impounding and transportation system.

**STORM WATER SERVICE
CUSTOMER/USER**

The owner of a lot or parcel of residential or non-residential property shall be considered the City Utilities Customer for the purpose of assessing stormwater service charges.

STORMWATER SYSTEM

All constructed facilities, including combined sewers,

structures and natural watercourses under the ownership, and/or control of the City used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins and pumping stations; and excluding therefrom, any part of the system of drains and watercourses under the jurisdiction of the Allen County Drainage Board.

SECTION 53.04 STORMWATER SERVICE CHARGE.

A stormwater service charge shall be imposed on each and every lot and parcel of land within the City which directly or indirectly contributes to the stormwater system of the City, which charge shall be assessed against the owner thereof, who shall be considered the user for the purposes of this Ordinance. This charge is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future City stormwater system.

SECTION 53.05 STORMWATER RATE ESTABLISHMENT PROCEDURES.

A. The Stormwater Service Rate shall be \$1.94 per ERU per month. For the purpose of this Ordinance, a month shall be considered 25-35 days. Any billings for stormwater service outside this time shall be on a per diem basis.

B. This stormwater rate is designed to recover the cost of rendering stormwater service to the users of the Stormwater System, and shall be the basis for assessment of the City's stormwater service charge. This rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for services.

C. This rate shall be evaluated annually as to its sufficiency to satisfy the needs of the DSM.

SECTION 53.06 RATE STRUCTURE.

A. For the purposes stated in Sections 53.02 and 53.05 there is hereby assessed a stormwater service charge to each user situated within the corporate limits of the City of Fort Wayne who contributes directly or indirectly to the stormwater system of the City, in an amount as determined below.

B. For any such property, lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the City, such charge shall be based upon the quantity of impervious area situated thereon.

C. All properties having impervious area within the City of Fort Wayne will be assigned an Equivalent Residential Unit (ERU), or a multiple thereof, with all properties having impervious area receiving at least one (1) ERU.

(1.) Residential Properties: A monthly flat-rate charge for stormwater service rendered to residential properties shall be charged to each account within the City limits according to the service address. All residential properties are hereby assigned one (1) ERU. This flat rate shall apply to all residential properties as defined herein.

(2.) Non-residential Properties: Non-residential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by 2500 square feet (one ERU). Only whole ERUs shall be used. This division will be calculated to the first decimal place and rounded according to mathematical convention (0-0.4 rounded down to nearest whole ERU; 0.5-0.9 rounded up to nearest whole ERU). Rounding protocol shall apply only when measured impervious surface exceeds one (1) whole ERU.

D. There shall be no exceptions from stormwater service charges.

SECTION 53.07 BILLINGS AND TERMS OF PAYMENT.

(A.) BILLINGS.

All stormwater service bills shall be rendered on a monthly basis, along with the user's charges for other City Utility services.

(B.) TERMS OF PAYMENT.

The stormwater service charges prescribed in Section 53.06 shall be due on the payment date set out on the bill. It shall be a violation of this Chapter to fail to pay a stormwater service bill when due. All bills for stormwater services not paid on or before the due date, which due date shall be approximately 15 days after the bill is rendered, shall be subject to a collection or deferred payment charge of 10% on outstanding balance.

(C.) PAYMENT PRIORITY.

Stormwater service charges shall take priority over all other charges for City Utility services. Partial payments shall first be applied to satisfy the garbage user fee under Chapter 50 of the Code and secondly, to these charges.

(D.) COLLECTION.

Delinquent stormwater service charges may be collected in a civil action along with other delinquent City Utility charges, reasonable attorney fees and court costs.

SECTION 53.08 APPEALS OF ERU DETERMINATION.

1 A. If, in the opinion of any user, the ERU multiple
2 assigned to his property is inaccurate in light of the
3 amount of imperious area of said property, the user shall
have the right to contest the ERU determination and thus
the rate assessed in the following manner.

4 B. User shall obtain and complete a Petition to Appeal
5 Stormwater Rate form (Petition) which shall be returned
6 to the DSM with verifiable documentation supporting
user's claim.

7 C. The DSM shall investigate user's claim and, upon
8 review thereof, shall render a written determination that
9 either the original ERU determination and assessed rate
should be affirmed or the user's rate should be adjusted
according to the Petition.

10 D. If user's Petition is denied, said opinion shall be
11 forwarded to user by certified mail, return receipt
12 requested. User shall then have fifteen (15) days from
13 date of receipt to request a reconsideration by the
14 Director. Any additional facts concerning the dispute
shall be reduced to writing and submitted, along with a
copy of the original Petition and supporting documents,
to the Director. The DSM shall submit a written report
of the determination in the case, along with any
documents used in denying the user's claim.

15 E. Thereafter, the Director, or his designee, shall
16 review all documentation and conduct, as necessary in his
17 opinion, an informal hearing to determine and resolve the
18 dispute based on the documentation submitted and any oral
19 testimony. A written opinion shall be rendered within
20 thirty (30) days after the hearing or submission of
documentation if no hearing is conducted. The written
opinion of the Director or his designee shall constitute
the final DSM determination, and may be challenged by the
user by a written request to the Board for formal
consideration within fifteen (15) days of the Director's
opinion.

21 F. The Board shall conduct a hearing and issue a
22 determination which shall be binding on the City
23 Utilities. The hearing shall be electronically recorded
24 and a transcript of the hearing provided upon request at
a cost per page as determined by the City Utilities
Accounting Department and amended from time to time.

25 G. A party or person aggrieved by the final Board
26 determination shall have the right to judicial review of
such determination in accordance with Indiana law.

27 H. If the DSM recommends the user's rate be reduced, or
28 reduction is ordered by the Director, Board or court of
29 law, user shall be credited accordingly for any
30 overpayment made from the date of the Petition. However,
31 for all Petitions submitted by June 30, 1995, the reduced
rate shall be applied retroactively to the first (1st)
billing of service charges under this Ordinance. Said
credit shall apply both to metered usage and the
stormwater service charge, until any overpayment has been
fully adjusted.

32 I. Dispute or appeal of an ERU determination or
stormwater service rate shall not be a valid reason for
non-payment of the originally assessed stormwater service
charge by the user.

SECTION 53.09 CREDITS POLICY AND PROCEDURE.

This section discusses some of the most common credit considerations and requirements but is not intended to be the exclusive authority. The Board, through the Rules and Regulations of the DSM shall more fully and completely establish the Credit Policies and Procedures for stormwater management.

A. CREDIT AVAILABILITY

1. Credit will be available to all properties except residential properties for various forms and levels of abatement.
2. MAINTENANCE REQUIREMENTS - Credit will only be allowed for properties where structural controls are maintained in fully functional condition and according to maintenance criteria and design standards issued by the DSM.
3. EXISTING STRUCTURE CREDITS - Credit will be allowed for previously constructed abatement features or stormwater controls. The amount of credit granted will be determined by the methods of design as outlined within the Rules and Regulations of the DSM.
4. PROPERTY LOCATION - Credit will be granted on the basis of location of a given property in relation to a major waterway of the United States, if it directly discharges its stormwater to that waterway in conformance with all maintenance criteria and design standards as applicable. The waterways covered by this section shall include the St.-Mary's River, the St. Joseph River, the Maumee River, the major tributaries of these three (3) rivers and other ditches and drains specified in the Rules and Regulations of the DSM.
5. VOLUNTARY CONTROLS - For new developments, credit will be granted where the City requires abatement features or stormwater controls to be constructed and/or maintained, and all City standards and criteria are met. Other voluntary controls or upgrades of existing systems through retrofitting will be granted credits on a case-by-case basis considering the impact of the controls on the City's stormwater system, as determined by the DSM.
6. DETENTION/RETENTION - Credit will be granted for qualifying detention basins and wet ponds. Credit may be granted for other control devices on a case-by-case basis providing sufficient technical justification is available to make such determinations.
7. OVERSIZING - Oversized private stormwater facilities or improvements exceeding standard abatement design criteria and intended to serve an area larger than the immediate project site or designed to handle a larger than specified storm event as required by the DSM shall be considered for additional credit.

8. INDUSTRIAL NPDES PERMIT CREDITS - No credit shall be allowed for industries in compliance with federal laws and regulations regarding industrial stormwater discharge permits at this time.
9. POLLUTION REDUCTION - No Credit will be allowed for voluntary efforts to reduce the amount of pollutants in a user's stormwater runoff or for improvements to the quality of a user's stormwater discharge at this time.
10. REGIONAL BASINS - Credit will not be granted to properties draining into ponds or basins maintained or owned by the City. Credit will be considered for privately owned and maintained regional controls and will be apportioned among owners on a prearranged basis.
11. PERCENT CREDITS FOR PRIVATE STORMWATER FACILITIES - A maximum credit of less than 100% of the user fee can be granted for the construction and maintenance of private stormwater facilities considering the potential of each to reduce peak and/or volume stormwater flow and direct discharge capabilities. Private stormwater facilities eligible for credits listed above constitute elements of the secondary drainage system. The secondary system is designed to drain a limited area with benefits limited to the owners of the particular property or owners of adjacent properties. As such, secondary elements of the system are not eligible for 100% credit.

Further, there are administrative costs involved with operation of the DSM which must be shared by all users, along with costs incurred to meet quality-based permit requirements which provide community-wide benefits, and thus cannot be credited.

The formula for determining the applicable credit percentage for individual parcels shall be specifically set out in the Rules and Regulations of the DSM.
12. FEDERAL, STATE, CITY AND COUNTY ROADWAYS. Publicly-owned streets and roads and highways shall be given 100% credit in reliance on governmental guidance documents which classify them as an integral part of the stormwater conveyance system. The surface water control systems incorporated in the design of roadways are engineered to convey all design runoff without street flooding, etc. associated with frequent, small runoff events up to about 5 or 10 year recurrence intervals, and as such, constitute elements of the primary drainage system. Primary elements of the drainage system yield community-wide benefits and are installed to service the general public's interests, conveying runoff from large areas encompassing whole watersheds in some cases.

B. CREDIT PROCEDURE

1. TIMING OF APPLICATIONS/DETERMINATIONS - It is the intent of the City that all applications will be reviewed and credits determined within thirty (30) days after submittal of a complete and correct application package. The credit will be effective on the 1st billing cycle for that property following completion of construction, or the date of the application. However, for all applications submitted by June 30, 1995, the credit will be applied retroactively to the first billing of service charges under this Ordinance.
2. APPEALS - Appeals of credit determinations shall be handled consistent with the procedures set out above for reconsideration of ERU Petitions. Appeals of credit decisions will be made initially to the Director, or his designee. Should satisfaction not be achieved, an appeal may be lodged with the Board.
3. Application for credit or appeal of determination thereon shall not constitute a valid reason for non-payment of the originally assessed stormwater service charge by the user.

SECTION 53.10 STORMWATER FUND.

All revenues earned and fees collected for stormwater service, including but not limited to, drainage service charges, permit and inspection fees, direct charges and interest earnings on any unused funds shall be deposited in an account entitled "City of Fort Wayne Stormwater Account." Disbursements from this account will be authorized by the Board and, as required by law, the Common Council. Such disbursements will be used exclusively for the operation, maintenance and improvement of the City's stormwater system. Funds from this account shall not revert to any other City Utilities or Civil City fund and may not be transferred for any other purpose, including to avoid a default on bonds or any City Utilities fund or the City.

SECTION 53.11 LIEN ON PREMISES.

Each stormwater service charge rendered under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the City, and, if the same is not paid within ninety days after it shall be due and payable, it shall be certified to the Auditor of Allen County; who shall place the same on the tax duplicate of said County with the interest and penalties allowed by law to be collected as other taxes are collected.

SECTION 53.12 VIOLATIONS AND ENFORCEMENT.

A. Failure to pay a stormwater user fee when due shall constitute a violation of this Chapter, which shall be enforced by the Director and such deputies as the Director, with the approval of the Board, may appoint for such purposes.

1 B. In order to protect the integrity of the Fort Wayne
2 Stormwater Utility, it is determined to be a violation of
3 this Chapter to permit, allow or engage in the dumping or
4 disposal of materials other than stormwater into the
5 City's municipal separate stormwater system.

6 C. "It shall be a violation of this Chapter to permit,
7 allow or engage in" the discharge of domestic sewage,
8 industrial waste or other potential polluting substances
9 into any waterway of the United States including, but not
10 limited to, the St. Mary's River, the St. Joseph River,
11 the Maumee River, any of their tributaries or streams, or
12 any streets, storm sewers or drains, ditches or drainage
13 ways leading to any such waterway of the United States.

14 D. "It shall be a violation of this Chapter to permit,
15 allow or engage in" the storage of potentially polluting
16 substances in a manner which has the potential of
17 discharge to any waterway of the United States including,
18 but not limited to, the St. Mary's River, the St. Joseph
19 River, the Maumee River, any of their tributaries or
20 streams, or any streets, storm sewers or drains, ditches
21 or drainageways leading to any such waterway of the
22 United States.

23 E. Whenever said Director or any such deputy shall deem
24 it appropriate to charge any person with violation(s) of
25 this Chapter, he shall issue to such person a Notice of
26 Violation and/or summons, which shall be processed
27 according to the provisions of I.C. 34-4-32-1.

28 SECTION 53.13 PENALTY.

29 A. Any non-residential user charged under Section
30 53.12(A) above and found to be in violation shall
31 be subject to a fine of up to \$2500.00 per day and
32 shall be held responsible for the amount of the
outstanding bill, in lieu of a collection action
and assessment of collection or deferred payment
charges set out in Section 53.07 (B) and (C) or
lien procedures under Section 53.11.

B. Any user found in violation of Section 53.12(B)
shall be subject to a fine of up to \$2,500.00 per
day. In addition, said user may also be held
responsible for any costs incurred by the City in
rectifying a situation of pollution to the
waterways of the United States and/or for repairing
any damage to the public stormwater facility, and
or the stormwater system.

C. Each day that such violation(s) or noncompliance
continues shall constitute a separate offense. Any
fine assessed by the court shall be deemed a civil
judgment.

32 SECTION 53.14 SEVERABILITY.

A. The invalidity of any section, sentence, clause,
paragraph, part or provision of this Ordinance
shall not affect the validity of any other section,
sentence, clause, paragraph, part or provision of
this Ordinance which can be given meaning without
such invalid part or parts.

B. All Ordinances or parts of Ordinances and sections
of the Municipal Code of the City of Fort Wayne in
conflict herewith are hereby repealed.

SECTION 2. That this Ordinance shall be in full force and effect beginning January 1, 1995, pending its passage and any and all necessary approval by the Mayor.

Sam Talarico
Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

DIGEST SHEET

TITLE OF ORDINANCE AMENDING CHAPTER 53 "STORMWATER SERVICE" OF THE
CITY OF FORT WAYNE CODE OF ORDINANCES

DEPARTMENT REQUESTING ORDINANCE DIVISION OF CITY UTILITIES

SYNOPSIS OF ORDINANCE THIS ORDINANCE CREATES A PERMANENT RATE
STRUCTURE FOR STORMWATER SERVICES BASED ON THE AMOUNT OF IMPERVIOUS
SURFACE OF A PROPERTY. ALL RESIDENTIAL PROPERTY OWNERS SHALL PAY
\$1.94 PER MONTH AS THEIR SERVICE FEE BASED ON A MEAN AMOUNT OF
IMPERVIOUS AREA FOR RESIDENTIAL PROPERTY AT 2,500 FT., (ONE
RESIDENTIAL EQUIVALENT UNIT). ALL NON-RESIDENTIAL PROPERTY OWNERS
SHALL PAY A MULTIPLE OF THE \$1.94 PER MONTH, PER ERU.

EFFECT OF PASSAGE THE NEW PERMANENT RATE WOULD GO INTO EFFECT
JANUARY 1, 1995.

EFFECT OF NON-PASSAGE THE INTERIM RATE BASED ON FIVE
CLASSIFICATIONS OF USERS WOULD REMAIN IN EFFECT.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) REVENUE UNDER
THE CURRENT RATE STRUCTURE IS APPROXIMATELY \$2.5M PER YEAR. IT IS
EXPECTED THAT \$3.5 - \$4M COULD BE GENERATED UNDER THE PERMANENT
RATE STRUCTURE, PROPOSED IN THIS ORDINANCE.

ASSIGNED TO COMMITTEE (PRESIDENT) _____



The City of Fort Wayne

Paul Helmke, Mayor

MEMORANDUM

LAW DEPARTMENT

TO: MEMBERS OF COMMON COUNCIL

FROM: LINDA PETERSON POWELL, STAFF ATTORNEY

DATE: July 25, 1994 *J. 94-07-21*

SUBJECT: ORDINANCE AMENDING CHAPTER 53 "STORMWATER SERVICE" OF THE CITY OF FORT WAYNE CODE OF ORDINANCES

This Ordinance establishes a permanent rate structure for stormwater services, which would replace the interim rate schedule in effect since 1991. Instead of having five (5) rate classifications based on the usage of the property, every non-residential property in the City of Fort Wayne would have an individual rate based on its unique impervious area.

Several hundred residential properties in Fort Wayne were measured for impervious area. The mean for all residential property was found to be 2500 sq. ft., which then became the area for one equivalent residential unit (ERU). The rate for residential properties will remain at \$1.94 which will be the service cost for one ERU.

The impervious surface of each non-residential property was measured. This square footage was divided by 2500 sq. ft. (one ERU). The figure arrived at indicates the number of ERUs assigned to that property and, when multiplied by \$1.94, establishes that user's monthly stormwater service fee. Non-residential properties will have the option of applying for credits against their stormwater service charge if they meet certain design and maintenance criteria.

Revenue under the current stormwater fee schedule is approximately \$2.5M per year. Under the new Ordinance, depending on the amount offset by credits, it is hoped that \$3.5M - \$4M will be generated annually in revenue. From the monies received under the new stormwater rates, approximately 10% is earmarked for pollution/quality based issues mandated by the federal government. The remaining 90% will be used for capital improvements to fight neighborhood flooding.

If you have any questions regarding the Ordinance, please feel free to call me at 427-1124. Questions regarding the Department of Stormwater Management or various projects being funded by the Ordinance should be addressed to Terry Atherton at 427-1381 or Mike Thornson at 427-1143.



STATE OF INDIANA
OFFICE OF THE ATTORNEY GENERAL

PAMELA CARTER
ATTORNEY GENERAL

STATE HOUSE
INDIANAPOLIS 46204

December 27, 1994

OFFICIAL OPINION 94-4

The Honorable Thomas J. Wyss
State Senator
Indiana Senate
Third Floor State House
Indianapolis, Indiana 46204

Mr. Stanley A. Levine
Legal Advisor
City-County Building
Room 122
Fort Wayne, Indiana 46802

Gentlemen:

This letter responds to your previous requests for an opinion regarding the constitutional issues surrounding the application of storm water fees to churches.¹ For the reasons outlined in greater detail below, it is my opinion that rate relief may be provided to churches in the form of favorable, differential rates, and the decision whether to create such rates is a matter of local legislative policy.

STATEMENT OF FACTS

My understanding of the facts, based upon the request and other materials accompanying it, is as follows:²

In 1987, the Indiana General Assembly passed legislation authorizing the creation of special taxing districts for the construction, operation, and management of storm water runoff

¹As used in this opinion, the term "churches" includes any and all facilities that are primarily dedicated to religious worship, including temples, synagogues, mosques, cathedrals, and other houses of worship.

²The legal conclusions expressed herein are based on the understanding of the facts set forth above. I have made no independent investigation of the facts, and any difference between the facts as stated above and the actual facts, could alter the legal conclusions.



systems. P.L. 125-1987. That legislation, which is codified at Ind. Code § 8-1.5-5, authorizes municipalities to create such districts. With the approval of the legislative body of the municipality, the board of directors of a district may assess both "user fees" and "special taxes" to fund the district's operation. *See* Ind. Code § 8-1.5-5-7(b); 8-1.5-5-22. The former provides:

The board, after approval by the legislative body of the municipality, may assess and collect user fees from all of the property of the storm water district for the operation and maintenance of the storm water system.

Ind. Code § 8-1.5-5-7(b). The legislation was amended in 1993, in respects not material to the present inquiry. *See* P.L. 93-1993; P.L. 98-1993.

Since at least November of 1993, a storm water district has existed for the City of Fort Wayne, Indiana. Pursuant to an Ordinance enacted in November of 1993, "Stormwater Service Charges," presumably intended to be "user fees" under the state statute, have been assessed against property owners in Fort Wayne in order to fund the storm water operation. *See* Ft. Wayne General Ordinance G-32-93. The ordinance divided Fort Wayne property into several classes for purposes of the fees. Residential property owners were assessed \$1.94; schools, churches and other institutions were assessed \$13.18; commercial property owners were assessed \$36.93; and industrial property owners were assessed \$52.47.

Apparently, the revenues generated by those fees were not sufficient to meet the outlays required for storm water service in Fort Wayne. Accordingly, in the Fall of this year, the City began to consider proposals to change the fee structure.

Presently pending is a proposal that would continue the \$1.94 per month charge for residential property owners, but would assess others depending upon the amount of "impervious area" (e.g., parking lots, buildings, sidewalks, etc.) on their properties. Specifically, nonresidential property owners are assessed at \$1.94 per month for each "equivalent residential unit" ("ERU") of impervious area. An ERU is defined by the ordinance as 2500 square feet. However, all residential property is conclusively presumed to have one, and only one, ERU of impervious area.³

The assumption underlying the proposal is that large impervious areas contribute relatively more to the problem of storm water runoff. Thus, the reasoning goes, the owners of such properties should pay a proportionately larger share of the costs of maintaining the storm water system. As a result of the "one ERU per house" rule, though, it is clear that at least some residential property owners would have their "share" of the costs of running the storm water system partially "subsidized" by nonresidential property owners under the proposal.⁴

Fees for some property owners will rise dramatically under the proposal. Particularly hard hit will be property owners with large buildings or large, paved parking lots. According to media reports,

³As defined in the proposed ordinance, "residential" property includes standard single family dwellings and multiple dwelling buildings (apartments) with four or fewer units.

⁴It is not difficult to envision a residential property with more than 2500 square feet of impervious area, particularly since buildings and pavement are both included. Any structure, paved area, or combination thereof that is more than 15 feet by 25 feet would have at least two ERUs, using the ordinance's rounding rules.

for example, the fees for Glenbrook Square Shopping Center will rise from their current level to \$3880.00 per month.

Questions have arisen concerning the applicability of the new fees to churches. Certain churches have claimed that the federal and/or state constitutions forbid assessing the fees against them at all. Others have claimed that any exemption or differential rate given to churches would itself violate either or both constitutions. A middle ground is the position that, while an exemption is not appropriate, some relief, in the form of a differential rate structure, is both constitutionally permissible and desirable. Before this range of positions is analyzed, one must first consider the relevant constitutional framework.

CONSTITUTIONAL BACKGROUND

I. Pertinent Provisions of the Federal Constitution

The federal constitution contains a single provision pertaining to religious freedom, which provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;

U.S. Const. Amd. 1.⁵

In analyzing the provision jurisprudentially, courts have generally divided it into the "Establishment Clause," which marks the limits of governmental assistance to religion, and the "Free Exercise Clause," which marks the limits of governmental interference with religion. Logically, then, claims that an exemption is constitutionally required should be tested against the Free Exercise Clause. Claims that either exemptions or favorable, differential rates are constitutionally forbidden should be tested against the Establishment Clause.

The initial inquiry under the Free Exercise Clause is whether a significant burden on a "central religious belief or practice" is caused by the challenged governmental action; if so, the court proceeds to determine whether a "compelling governmental interest" justifies the burden. See *Jimmy Swaggart Ministries v. Board of Equalization*, 493 U.S. 378, 384-85 (1990) (quoting *Hernandez v. Commissioner*, 490 U.S. 680, 699 (1989)).⁶

Present Establishment Clause jurisprudence focuses on three factors: (1) whether the challenged statute has a secular purpose; (2) whether its effect is to advance or inhibit religion; and (3) whether the measure creates an excessive governmental entanglement with religion. *E.g. Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971).

⁵ Though the provision is, by its terms, addressed only to the federal legislative body, it has long been understood as applying to the other branches of government. Since at least 1922, the Due Process Clause of the Fourteenth Amendment has been understood as requiring its application to the States. See *Meyer v. Nebraska*, 262 U.S. 390, 399 (1922).

⁶ Following *Jimmy Swaggart*, the Court abandoned the "compelling interest" test for neutral laws of general applicability. *Employment Division v. Smith*, 494 U.S. 872 (1990). Subsequently, that test was restored by federal legislation popularly known as the "Religious Freedom Restoration Act of 1993." See Pub. L. 103-141 (103d Cong., 1st. Sess.), 107 Stat. 1488 (1993).

II. Pertinent Provisions of the Indiana Constitution

Any proposed action must also be separately analyzed under the Indiana Constitution. Our Constitution has independent force, and analyses developed under the federal constitution do not necessarily control. *See, e.g., Collins v. Day*, ___ Ind. ___, No. 93S02-9411-EX-1120, (Nov. 28, 1994), Slip Op. at 2-3; *see generally* R. Shepard, *Second Wind for the Indiana Bill of Rights*, 22 Ind. L. Rev. 575 (1989).

As our Supreme Court has held, "interpretation of our constitution is controlled by the text itself, illuminated by history and by the purpose and structure of our constitution and the case law surrounding it." *Price v. State* (1993), Ind., 622 N.E.2d 954, 957, *rehearing pending*. Similarly, the Court has held that the task of construing the Constitution is "a search for the common understanding of both those who framed it and those who ratified it" *Bayh v. Sonneburg* (1991), Ind., 573 N.E.2d 398, 412; *see also Collins*, Slip Op. at 3 (citing *Sonneburg*).

Unlike the relatively general provisions of the federal constitution, the Indiana Constitution contains several detailed provisions protecting what the framers referred to collectively as "rights of conscience." *See Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Indiana* (1850, Indiana Historical Collections Reprint 1936; hereinafter "Debates") at 964. In contrast to the federal constitution's single provision, seven sections of Bill of Rights of the Indiana Constitution deal with this topic:

Section 2. All people shall be secured in the natural right to worship ALMIGHTY GOD, according to the dictates of their own consciences.

Section 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

Section 4. No preference shall be given, by law, to any creed, religious society, or mode of worship; and no person shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent.

Section 5. No religious test shall be required as a qualification for any office of trust or profit.

Section 6. No money shall be drawn from the treasury, for the benefit of any religious or theological institution.

Section 7. No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.

Section 8. The mode of administering an oath or affirmation, shall be such as may be most consistent with, and binding upon, the conscience of the person, to whom such oath or affirmation may be administered.

Ind. Const. Art. 1, §§ 2-8.

Of these provisions, sections 2, 3, 4, and 6 are most clearly implicated the instant controversy. Interestingly, those four sections were originally proposed as a single comprehensive section. Debates at 964-65. Similarly, the Constitution of 1816 dealt with "rights of conscience" in a single provision. Ind. Const. 1816, Art. I, § 3 (*reprinted* in 1 C. Kettleborough, *Constitution Making in Indiana* at 84-85). That provisions, in turn, can be traced back further, to the very first article in the "articles of compact" contained in the Northwest Ordinance of 1787:

Article 1st. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

Ordinance of July 13, 1787 (*reprinted in 1 C. Kettleborough, Constitution Making in Indiana at 31*). In addition, the Ordinance itself recognized that "Religion, morality, and knowledge [are] necessary to good government and the happiness of mankind." *Id.* (Art. 4th).

Sections 2 and 3 of the present Indiana Constitution declare particular rights of conscience and set limits on governmental interference with those rights, in a way that is similar to — though more detailed than — the federal "Free Exercise Clause." Sections 4 and 6, on the other hand, focus more on the limits of government *support* for religion, in a manner similar to — though again more detailed than — the federal "Establishment Clause." Section 4 also contains an antidiscrimination principle in its admonition that no "preference" shall be given to any particular religion. *See* Part VI, *infra*. Finally, Article 10, Section 1, requires a "uniform and equal rate of property assessment and taxation," but provides that "The General Assembly *may* exempt from property taxation any property in any of the following classes: (1) Property being used for municipal, education, literary, scientific, religious or charitable purposes." (emphasis added).

Accordingly, like many state constitutions, the provisions of the Indiana Constitution represent "considered constitutional judgments about contentious issues of church and state" that are more "concrete and detailed" than federal provisions because "they are framed in language aimed at the specific evils that brought them forth." G. Tarr, *Religion Under State Constitutions*, 496 Annals of Am. Academy of Political Science Studies 65, 68 (March, 1988). "Consequently, [the provisions] lend themselves to direct application with only minimal interpretation." *Id.* As in many sister states, the framers of the Indiana Constitution "eliminated coercion in religious matters largely out of religious faith, in order to permit all people to respond freely to what they regarded as the call of God's grace." *Id.* at 66. Thus, the "prevailing assumption was that government would continue to be supportive of religion in general," but that "this support would not take the form of direct subvention." *Id.* at 67. In light of this constitutional backdrop, the specific issues raised by the request come into clearer focus.

ANALYSIS

As detailed below, present Indiana statutes do not allow a total exemption from paying any storm water fees at all for *any* group, including churches. Nor are such wholesale exemptions constitutionally compelled. However, a reasonable accommodation in the form favorable, differential rates for churches is permissible under the relevant statutes and the state and federal constitutions. The decision whether to enact such rates is wholly one of local legislative policy.

I. Current Statutory Law Does Not Provide for Any Exemptions from the User Fees But Allows for Differential Rates.

Before addressing the constitutional issues, the range of alternatives that are permissible under the statute must first be considered. By its terms, the statute provides that a district "may assess and collect user fees from *all* of the property of the storm water district." Ind. Code § 8-1.5-5-7(b) (emphasis added). On its face, this provision does not permit an outright exemption for *any* entity. Thus, unless such an exemption is required by the state or federal constitutions, the City may not enact one. Because, as shown below, there is no such constitutional requirement, the question of whether either constitution *permits* such an exemption does not arise.

In contrast to its explicit requirement that all property in the district be subject to the fees, the statute is silent on the matter of rates and rate classifications. At common law, this silence might have been fatal to any contention that a local legislative body had the power to adopt classifications. Under the home rule statute, however, "[a]ny doubt as to the existence of a power of a [municipality] shall be resolved in favor of its existence." Ind. Code § 36-1-3-3(b). Accordingly, local legislative bodies are free to make rate classifications to the full extent permitted by the state and federal constitutions. As shown below, the federal and state constitutions permit a reasonable accommodation achieved through a favorable, differential rate.

II. The Federal Free Exercise Clause Does Not Require Exemption from the Fees.

The notion that the Free Exercise Clause requires that Churches be wholly exempt from fees and taxes that are imposed upon other entities has been squarely rejected by the United States Supreme Court. *Jimmy Swaggart Ministries v. Board of Equalization*, 493 U.S. 378 (1990). There, the Court held that sales and use taxes may constitutionally be imposed on the sale of religious literature.

The Court distinguished the case before it from prior cases that involved flat license fees on religious *activity*, such as religious leafletting and itinerant preaching, which fees operated in essence as prior restraints. 493 U.S. at 389-90. Then, the Court reasoned that a generally applicable tax did not constitute a significant burden on the free exercise of religion:

[T]o the extent that imposition of a generally applicable tax merely decreases the amount of money appellant has to spend on its religious activities, any such burden is not constitutionally significant.

493 U.S. at 391. Accordingly, the Court did not even reach the question of whether the State's interest was sufficiently "compelling" to justify the burden.⁷

A similar result follows in this case. Accordingly, claims that the federal constitution requires that churches be entirely exempt from the fees are incorrect.

III. An Exemption Is Not Constitutionally Required by Sections 2 and 3

While the broad and majestic language of Article 1, sections 2 and 3, of the Indiana Constitution might suggest that a religious-property exemption is required, a review of the Constitution as a whole negates any such contention. The most compelling evidence that religious exemptions are not constitutionally compelled can be found in the constitutional text itself. Specifically, Article 10, Section 1, requires a "uniform and equal rate of property assessment and taxation," but provides that "The General Assembly *may* exempt from property taxation any property in any of the following classes: (1) Property being used for municipal, education, literary, scientific, religious or charitable purposes." (emphasis added). Thus, the one provision of our Constitution that expressly addresses religious exemptions from governmental exactions plainly states that such exemptions are authorized, but not required.⁸

⁷Because *Jimmy Swaggart* was decided under the pre-*Smith* "compelling interest" test, its vitality was in no manner affected by the Religious Freedom Restoration Act. See note 6, *supra*.

⁸Because decisions from other states that have been submitted to me rely on constitutional provisions that mandatorily exempt churches from particular types of taxes, provisions which have no counterpart in the Indiana Constitution, such cases are not determinative, or even particularly

Though the provision, by its terms, applies only to property taxes, *Miles v. Department of the Treasury*, 199 N.E. 372 (1935), its very existence shows that the framers knew that the general provisions in Article 1, sections 2 and 3 did not, of their own force, create a right to exemption from taxation or other governmental exactions. Moreover, as *Miles* holds, outside the area of property taxation "[t]he Legislature has full power to select one class for taxation to the exclusion of another, and to tax different classes at different rates." *Miles*, 199 N.E. at 379. It would be an unwarranted breach of established principles of construction to read the more general provisions of Article 1, sections 2 and 3 as leading to a result directly contrary to Article 10, section 1. See *Welsh v. Sells*, 244 Ind. 423, 193 N.E.2d 359, 361 (1963) (Our Constitution must be construed as a whole).⁹

IV. The Federal Establishment Clause Does Not Forbid Differential Rates

It is unclear whether the Establishment Clause would prohibit exempting religious organizations from the fees entirely. The two key U.S. Supreme Court cases on the subject seem to point in opposite directions. Compare *Texas Monthly, Inc. v. Bullock*, 489 U.S. 1 (1989) with *Walz v. Tax Commission*, 397 U.S. 664 (1970). *Walz* held that a property tax exemption for religious property used solely for religious worship did not violate the Establishment Clause. *Texas Monthly* held that a sales tax exemption for religious periodicals did violate the Clause. As might be expected, there is some tension between the two cases. However, as noted above, the question of whether a total exemption is constitutionally permissible need not be addressed in light of the existing statutory bar to such exemptions.

The less ambitious step of granting limited rate relief for religious organizations is plainly permissible. Indeed, because there was no clear majority opinion in *Texas Monthly*,¹⁰ some courts facing similar issues continue to rely on *Walz* to approve outright exemptions. See *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints v. Ada County*, 849 P.2d 83, 92-93 (Idaho 1993); *Bexar County Appraisal Review Board v. First Baptist Church*, 846 S.W.2d 554, 558-59 (Tex. App. 1993). Both *Presiding Bishop v. Ada County* and *Bexar County v. First*

relevant, to the issues at hand. Nor, for similar reasons, is the analysis significantly advanced by determining whether the storm water payments at issue here are "fees" or "taxes."

⁹ I do not mean to suggest that sections 2 and 3 provide no greater protection for religious liberty than does the federal constitution. The language of section 2, in particular, by referring to a right to "worship," may well provide greater protection for religious practices than does the federal constitution, at least as unaided by the federal statute discussed in note 6, *supra*. I conclude only that the Constitution's precise resolution of the question of religiously-based tax exemptions renders any contrary conclusion drawn from the more general language of those sections implausible.

¹⁰ Compare 489 U.S. at 5 (plurality opinion of Brennan, J., joined by Marshall and Stevens, JJ.) with *id.* at 25 (opinion of White, J., concurring in the judgment) and *id.* at 26 (opinion of Blackmun, J., concurring in the judgment, joined by O'Connor, J.). As a result, *Texas Monthly* provides no clear guidance on the issue. See *Northern Indiana Public Service Co. v. Citizens Action Coalition*, 548 N.E.2d 153, 156 (Ind. 1989). *Texas Monthly* and *Walz* may someday be harmonized on the distinction between taxes touching on religious activity (e.g., evangelism carried out by distributing religious literature), and those imposed upon religiously held property (e.g., churches, parsonages, etc.), a distinction adverted to in *Jimmy Swaggart*. The author of this opinion will leave that task to some future Supreme Court Justice.

Baptist Church held that legislatively enacted property tax exemptions for churches were a valid means for government to limit its otherwise potentially destructive effects on religion. *Presiding Bishop v. Adair County* went so far as to state bluntly that "Statutory tax exemptions for religious organizations are not mandated by the Free Exercise Clause, nor prohibited by the Establishment Clause." 849 P.2d at 93 n.6 (citing *Texas Monthly*); accord *Preschool Owners Association v. Department of Children & Family Services*, 119 Ill. 2d 268, 518 N.E.2d 1018 (1988) (pre-*Bullock* case approving exemption from certain regulatory requirements for sectarian preschools).

While *Bullock* may render such blanket exemptions at least doubtful, as the Court noted in *Walz*, there is in the federal constitution "room for play in the joints productive of a benevolent neutrality which will permit religious exercise to exist without sponsorship and without interference." 397 U.S. at 669. Similarly, as Justice Blackmun noted in *Texas Monthly*, "the Judiciary must be wary of interpreting these . . . constitutional Clauses in a manner that negates the legislative role altogether." 489 U.S. at 28 (Blackmun, J., concurring); see also *Smith*, 494 U.S. at 890 (suggesting that religious practice exemption from certain drug laws was permissible, though not constitutionally required).

In a prior official opinion, a former holder of this office opined that "After considering [*Texas Monthly*] and [*Walz*], concerning clauses in the First Amendment to the United States Constitution (the Establishment Clause and the Free Exercise Clause) as made applicable to [S]tates by the Fourteenth Amendment, it is my opinion that all educational, literary, scientific, charitable and religious organizations should be treated the same. . . ." 1989 Op. Atty. Gen. 9. Such a broad pronouncement went far beyond what was necessary to respond to the particular request at issue. The request pertained to the *procedures* to be followed in applying Ind. Code § 6-1.1-11, which, as a matter of *substance*, already accorded property tax exemptions to numerous nonreligious organizations. Thus, just like statements in a judicial opinion that are not necessary to decide the point in issue, such pronouncements may properly be regarded as nonbinding *dicta*. Moreover, the opinion, which was issued just two months after *Texas Monthly*, contains what can at best be described as a cursory and superficial analysis of that case, and of the issue generally. Accordingly, to the extent Opinion 1989-9 suggests that it is impermissible to accommodate the needs of religious organizations in any manner that is not extended to any and all educational, literary, scientific and charitable organizations, it is hereby disapproved.

Accordingly, I conclude that the federal constitution permits differential rates in order to accommodate the needs of religious organizations and that the decision of whether to create such rates is for the political process. In sum, there is sufficient "room for play in the joints productive of a benevolent neutrality which will permit religious exercise to exist without sponsorship and without interference." *Walz*, 397 U.S. at 669.

V. A Differential Rate Does Not Violate Section 6, or the "Consent Clause" of Section 4.

Article 1, sections 4 and 6 of the Indiana Constitution clearly bar direct government subsidies to religious organizations — the former by protecting citizens from being compelled to erect or support any place of worship against their consent, and the latter by imposing a direct restriction on drawing funds from the treasury to support religious organizations. Our Supreme Court has even suggested that violations of the latter restriction can lead to liability on the part of culpable government officials. *State ex rel. Johnson v. Boyd*, 217 Ind. 348, 28 N.E.2d 256, 263 (1940) ("any public official knowingly paying money from the public treasury in violation of these provisions would be required to reimburse said treasury for any amounts so paid.").

However, a mere differential rate on a government-imposed fee is not the constitutional equivalent of a direct subsidy. Such a differential rate represents the government's willingness to forgo a portion of its power to collect revenue in recognition of the inhibiting effect such power could have on its citizen's rights. A subsidy, on the other hand, is an affirmative redistribution of wealth — a taking of one person's property to build another's church, in direct contravention of the constitutional commands. The Indiana Constitution, in short, prevents the government from drawing money "from the treasury" to support a church, or from compelling citizens to attend or directly support one with their own funds. *Cf. Center Township v. Coe*, 572 N.E.2d 1350, 1358-60 (Ind. App. 1991) (Township trustee violated clause by paying relief funds to homeless shelters that required attendance at religious services as a condition of receiving benefits, but same conduct might not violate clause if organizations removed condition). The Constitution does not purport to prohibit the government from foregoing an exercise of its power to avoid harming religious organizations. In fact, Article 10, § 1 explicitly approves full exemptions from taxation — a more extreme example of the same kind of action.

VI. A Differential Rate Does Not Violate the "Preference Clause" of Section 4.

In addition to its protection against citizens being compelled to attend, erect or support a religious institution, section 4 also provides that "No preference shall be given, by law, to any creed, religious society, or mode of worship." While a first reading of this "preference clause" of section 4 might suggest that it, too, was designed to limit government support of religion, a reading of the debates surrounding its enactment makes plain that the purpose of the clause was to embody an antidiscrimination principle, forbidding preferences granted to one religious organization *over another*, rather than as a limit on aid to religion generally.

As originally proposed, this portion of the section would have read "No discrimination shall be made by law between religious societies, nor preference be given by law to any mode of worship." Debates at 964-65. Brief debate ensued that the word "between" was grammatically incorrect, unless there were only two religious societies, and substitution of the word "among" was suggested. *Id.* at 965. Instead, however, a proposal to use language from the old constitution was adopted, avoiding the grammatical brouhaha. *Id.*

At no point during this debate, however, was it suggested that use of the prior language would change the meaning of the clause from one of neutrality among religions to neutrality between religion and irreligion. Accordingly, nondiscriminatory rate relief for religious organizations does not violate the Indiana Constitution.¹¹

¹¹ Any such classification must, of course, satisfy the equal privileges clause of Article 1, section 23 of the Indiana Constitution. *See Collins, supra*. In order to pass muster under that section, a legislative classification must be "reasonably related to inherent characteristics which distinguish the unequally treated classes" and "the preferential treatment must be uniformly applicable and equally available to all persons similarly situated." The protections from government that the founders of both our State and Nation found necessary to throw around religious freedom themselves are evidence that religious organizations possess "inherent characteristics" which rationally distinguish them from others. Moreover, an exemption available to all such organizations would be "uniformly applicable and equally available" to all within the relevant classification. Accordingly, there should be no Article 1, § 23 barrier to a differential rate for religious organizations.

CONCLUSION

The history of our constitutions is one of protection of religious liberty, not the stifling of religious expression through rigid rules that prohibit the government from accommodating the peculiar needs of churches. Our Indiana Constitution, unlike its federal counterpart, explicitly recognizes the existence of God — both in its preamble, and in the first two sections of our Bill of Rights. Both constitutions wisely left the details of adjusting the complex relations of church and state to the people's legislative representatives in the first instance. At the state level, those representatives have admirably crafted a compromise that, while perhaps not perfect in every particular, is constitutionally permissible. I am confident that representatives at the local level can do the same. Therefore, in keeping with our constitutional history, as well as the text of our constitutions, I conclude that the appropriate legislative bodies may effect an appropriate accommodation through the political process.

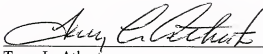
Respectfully,

A handwritten signature in cursive script that reads "Pamela Carter".

Pamela Carter
ATTORNEY GENERAL OF INDIANA

1995 City Utilities Budget
Stormwater

Recommended by:


Terry L. Atherton
Director of Utilities

Date: 1-19-95

Approved by Stormwater Management Board:


Linda Buskirk
Chairman, Stormwater Management Board

Date: 1/25/95

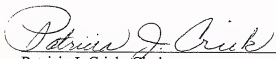

C. James Owen, Member
Stormwater Management Board

Date: 1/25/95 →


Terrance P. McCaffrey, Member
Stormwater Management Board

Date: 1/25/95

Attested by:


Patricia J. Crick, Clerk

Date: 1/25/95

Approved by:


Paul Helmke, Mayor

Date: 1/30/95

**COMBINED
CAPITAL BUDGETS
1995**

WATER:

WATER ENGINEERING	206,500
FILTRATION PLANT	726,000
WATER MAINTENANCE	553,000
ADMINISTRATIVE DEPARTMENTS @ 50%	<u>23,600</u>

TOTAL WATER	<u><u>1,509,100</u></u>
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SEWER:

WPC ENGINEERING	1,076,600
WPC PLANT	3,785,800
WPC MAINTENANCE	47,500
ADMINISTRATIVE DEPARTMENTS @ 50%	<u>23,600</u>

TOTAL SEWER	<u><u>4,933,500</u></u>
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STORMWATER:

STORM WATER ENGINEERING	1,465,000
STORM WATER MAINTENANCE	<u>50,400</u>

TOTAL STORM WATER	<u><u>1,515,400</u></u>
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TOTAL GARAGE	<u><u>14,300</u></u>
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COMBINED TOTAL	<u><u>7,972,300</u></u>
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STORMWATER REVENUE PROJECTION
1995

1.80 RATE

15% ALL EXEMPT

RESIDENTIAL ERU'S 59,281 X 1.80 x 10 MO.	1,067,058
--	-----------

NON-RESIDENTIAL LESS EXEMPT 124,020 - 26,717 X 1.80 X 10 MO.	1,751,454
---	-----------

EXEMPT 26,717 X 1.80 X (1 - .15) X 10	408,770
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TWO MO. FLAT CHARGE (206,674) + (2950 X 1.94) + (532 X 36.93)	<u>464,086</u>
--	----------------

3,691,368

LESS 5% FOR CREDITS ON NEW RATE	<u>161,364</u>
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PROJECTED 1995 STORMWATER REVENUE	<u><u>3,530,004</u></u>
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CITY OF FORT WAYNE
STORMWATER
STATEMENT OF INCOME
PROFORMA STATEMENT

	1993 BUDGET	1993 ACTUAL	1994 PROJECTED	1994 BUDGET
<u>UTILITY OPERATING INCOME</u>				
<u>OPERATING REVENUES</u>	<u>\$2,600,000</u>	<u>\$2,563,087</u>	<u>\$2,403,132</u>	
<u>OPERATING EXPENSES</u>				
OPERATION EXPENSE	695,740	580,313	664,776	
MAINTENANCE EXPENSE	1,167,104	3,034,028	1,102,054	
DEPRECIATION EXPENSE	0	0	0	
GROSS INCOME TAXES	0	0	0	
AMORTIZATION OF OTHER UTILITY PLANT	0	0	0	
<u>TOTAL OPERATING EXPENSES</u>	<u>1,862,844</u>	<u>3,614,341</u>	<u>1,766,830</u>	
<u>OPERATING INCOME</u>	<u>737,156</u>	<u>(1,051,254)</u>	<u>636,302</u>	
<u>OTHER INCOME (1)</u>	<u>15,000</u>	<u>369,867</u>	<u>141,073</u>	
<u>OTHER DEDUCTIONS (2)</u>	<u>0</u>	<u>0</u>	<u>0</u>	
<u>NET INCOME</u>	<u>\$752,156</u>	<u>(\$681,387)</u>	<u>\$777,375</u>	

CITY OF FORT WAYNE
STORMWATER UTILITY
STATEMENT OF CASH FLOW

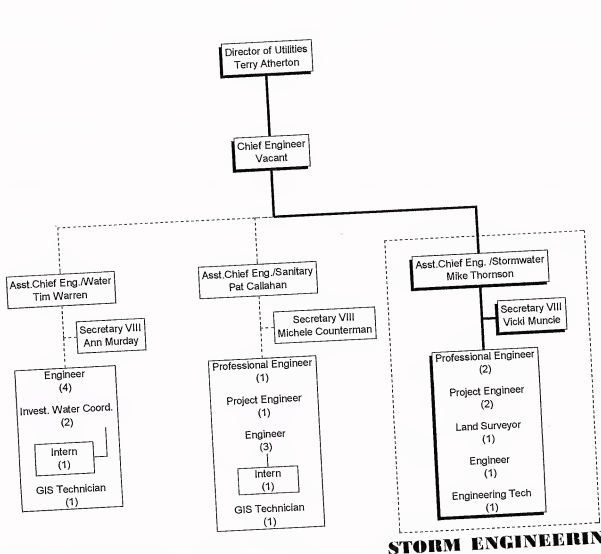
11-Jan-95

NET INCOME - 1995 BUDGET	\$1,400,886
DEPR ADD BACK	<u>0</u>
	1,400,886
PROJECTED CAPITAL BUDGET:	
STORMWATER ENGINEERING	1,465,000
STORMWATER MAINTENANCE	50,400
STORMWATER ADMINISTRATIVE	<u>0</u>
	1,515,400
NET CASH FLOW	<u><u>(\$114,514)</u></u>
CASH BALANCES:12/31/94	
UNRESTRICTED CASH	
OPERATING FUND	
TOTAL UNRESTRICTED CASH	<u>\$149,390</u>
ADJUSTMENTS TO 1994 CASH FLOW:	
EXPENSES UNDER BUDGET	<u>228,000</u>
TOTAL ADJUSTED CASH BALANCE 12/31/94	<u>377,390</u>
LESS CASH FLOW	<u>(114,514)</u>
CASH BALANCE: 12/31/95	<u><u>\$262,876</u></u>

**STORM WATER
CAPITAL BUDGET
1995**

STORM WATER ENG.	Lower Huntington	500,000
	Consultants	110,000
	Contingency Drainage Work	100,000
	Baldwin Ditch Ph. IV	35,000
	Allendale Ph. II	45,000
	Wayne Township ND #1	200,000
	Farwood-Winter to Mercer	50,000
	Concordia Gardens Ph. I	100,000
	Reckeweg/Palatine	200,000
	Inwood Drive - south of Lake	125,000
		<u>1,465,000</u>
STORM WATER MAINT.	Misc. Installations	30,000
	Equipment	2,400
	Rolling Stock	18,000
		<u>50,400</u>
TOTAL STORM CAPITAL BUDGET		<u><u>1,515,400</u></u>

CITY UTILITIES STORMWATER ENGINEERING ORGANIZATIONAL CHART



CITY UTILITIES
STORMWATER ENGINEERING
LABOR ANALYSIS
FUND 515
540

15-Sep-94

POSITION	LABOR GRADE	LABOR UNION	NUMBER POSITIONS	BUDGET 1994	NUMBER POSITIONS	BUDGET 1995	1995 ADJUSTED BUDGET	
							ACCOUNT	AMOUNT
ASST. CHIEF ENGR./DRAINAGE	16	-	1	\$39,733	1	\$43,214	4111	\$170.4
PROJECT ENGINEER	14	2569	2	65,856	2	67,996	4121	22.0
PROFESSIONAL ENGINEER	15	2569	2	68,988	2	68,262	4122	11.2
ENGINEER	13	2569	0	0	1	32,364	4123	17.6
SECRETARY VIII	8	2569	1	24,818	1	25,910	CAPITAL LABOR	74.9
LAND SURVEYOR	16	2569	1	34,494	1	35,614		
GIS CLERK	5	2569	1	18,876	0	0		
GIS TECHNICIAN	12	2569	1	29,814	0	0		
ENGINEERING TECH. 1	12	2569	0	0	1	23,083		
PARTTIME-SEASONAL				36,750		0		
TOTALS				9	\$319,329	9	\$296,443	\$296.4

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** CITY OF FORT WAYNE **
 BUDGET PREPARATION FOR FISCAL YEAR 1995
 EXPENSE BUDGET BY OBJECT

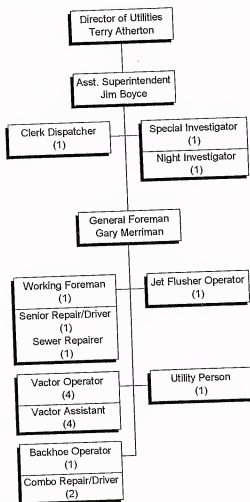
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FUND 515 STORM WATER SERVICE
 AGENCY 540 STORM SEWER ENGINEERING

ORGN

OBJECT	ACCOUNT NAME	1993 EXP.	1994 EXP. TO 06/30/94	1994 APPROVED	1995 REQUESTED
PERSONAL SERVICES					
4111	SALARIES & WAGES	102,875	55,435	161,111	170,457
4115	PARTTIME, TEMP & SEASONAL	0	40	24,500	
412A	COMPENSATION TIME	57	0	0	
4121	VACATION PAY	16,378	6,843	20,277	22,059
4122	HOLIDAY PAY	7,673	2,252	10,706	11,271
4123	SICK PAY	4,463	3,332	16,059	17,669
4125	OVERTIME PREMIUM	420	0	600	500
4126	EDUCATIONAL INCENTIVE	0	0	500	500
413A	PERF, EMPLOYEE PORTION	5,559	3,124	1,937	2,084
4131	PERF, EMPLOYER PORTION	16,276	9,371	25,148	25,969
4132	FICA	13,688	8,899	23,296	22,742
4134	HEALTH & LIFE INSURANCE	24,150	15,750	31,500	30,333
4136	UNEMPLOYMENT COMPENSATION	115	152	152	148
4137	WORKERS COMPENSATION	738	1,163	2,326	2,557
4138	CLOTHING ALLOWANCE	0	0	500	500
TOTAL PERSONAL SERVICES		192,396	106,391	318,612	306,789
SUPPLIES & MATERIALS					
4212	STATIONERY & PRINTED FORMS	0	0	500	500
4213	COMPUTER SUPPLIES	109	0	0	1,000
4214	SAFETY SUPPLIES	0	0	0	
4219	OTHER OFFICE SUPPLIES	78	205	0	500
4299	OTHER MATERIALS & SUPPLIES	29	4	150	150
TOTAL SUPPLIES & MATERIALS		216	209	650	2,150
OTHER SERVICES & CHARGES					
431J	TECHNICAL SERVICES	8,993	26,305	65,000	65,000
431K	SEMINAR FEES	765	286	1,000	1,400
4312	MEDICAL SERVICES	0	0	150	150
4314	CONSULTANT SERVICES	0	0	0	
4317	INSTRUCTIONAL SERVICES	0	0	0	
4324	TRAVEL EXPENSES	168	3	1,000	1,000
4331	PRINTING OTHER THAN OFF SUPP	0	0	0	
4333	BLUEPRINTING	697	1,020	2,800	2,800
4342	LIABILITY INSURANCE	0	0	0	
4343	BLANKET BOND	0	0	0	
4364	CONTRACTED SERVICES	0	0	0	
4391	DUES & SUBSCRIPTIONS	135	70	150	150
4399	OTHER SERVICES & CHARGES	1,302	0	0	
TOTAL OTHER SERVICES & CHARGES		12,061	27,684	70,100	70,500
540	*** TOTAL FOR AGENCY	204,674	134,284	389,362	379,439

CITY UTILITIES STORMWATER MAINTENANCE ORGANIZATIONAL CHART



CITY UTILITIES
STORMWATER MAINTENANCE
LABOR ANALYSIS
FUND 515
542

15 - Sep - 94

POSITION	LABOR GRADE	LABOR UNION	NUMBER POSITIONS	BUDGET 1994	NUMBER POSITIONS	BUDGET 1995	1995 ADJUSTED BUDGET	
							ACCOUNT	AMOUNT
ASST SUPERINTENDENT	14	-	1	\$41,048	1	\$42,526	4111	\$439,402
GENERAL FOREMAN	12	-	1	32,804	1	33,985	412B	500
SENIOR REPAIRER/TRK DRIVER	414	414	1	23,818	1	24,438	4121	34,353
COMBO REPAIRER/TRK DRIVER	414	414	2	46,664	2	47,878	4122	33,857
JET FLUSHER OPERATOR	414	414	1	24,840	1	25,488	4123	31,659
SEWER REPAIRER	414	414	1	23,081	1	23,682	CAPITAL LABOR	8,978
SPCL INVESTIGATOR	414	414	1	26,367	1	27,054		
WACTOR OPERATOR	414	414	4	99,360	4	101,950		
WACTOR ASSISTANT	414	414	4	93,828	4	96,268		
WORKING FOREMAN	414	414	1	26,196	1	26,876		
BACKHOE OPERATOR	414	414	1	25,180	1	25,834		
CLERK DISPATCHER	414	414	1	23,339	1	23,947		
UTILITY PERSON	414	414	1	24,162	1	24,781		
NIGHT INVESTIGATOR	414	414	1	23,420	1	24,032		
TOTALS			21	\$534,107	21	\$548,749		\$548,749

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CITY OF FORT WAYNE
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FUND 515 STORM WATER SERVICE
 AGENCY 542 STORM SEWER MAINTENANCE

ORGN

OBJECT	ACCOUNT NAME	1993 EXP.	1994 EXP. TO 06/30/94	1994 APPROVED	1995 REQUESTED
PERSONAL SERVICES					
4111	SALARIES & WAGES	406,100	161,773	371,849	439,402
4113	WAGES PAID-UNION BUSINESS, UN	11	38	0	0
4118	CALL IN TIME	1,594	1,009	1,200	1,500
4128	NON-CHARGEABLE PAID HOURS	261	263	1,000	500
4121	VACATION PAY	30,772	17,543	31,776	34,353
4122	HOLIDAY PAY	16,524	5,321	32,989	33,857
4123	SICK PAY	15,024	11,948	30,656	31,659
4125	OVERTIME PREMIUM	16,917	6,252	12,000	12,000
4128	INCLEMENT WEATHER	0	4,682	0	0
413A	PERF.EMPLOYEE PORTION	11,675	7,517	16,023	16,462
4131	PERF.EMPLOYER PORTION	34,183	22,552	48,070	48,015
4132	FICA	28,947	13,632	41,946	42,897
4134	HEALTH & LIFE INSURANCE	73,313	36,750	73,500	73,500
4136	UNEMPLOYMENT COMPENSATION	250	250	250	274
4137	WORKERS COMPENSATION	22,571	12,675	25,351	47,672
4138	CLOTHING ALLOWANCE	2,778	3,383	14,400	14,400
4161	WAGE SETTLEMENTS/SEVERANCE PAY	113	C	0	4,200
TOTAL PERSONAL SERVICES		661,440	310,610	701,067	800,711
SUPPLIES & MATERIALS					
4212	STATIONERY & PRINTED FORMS	0	0	500	500
4213	COMPUTER SUPPLIES	0	0	600	500
4214	SAFETY SUPPLIES	45	772	7,000	7,000
4215	OTHER OFFICE SUPPLIES	1,780	45	1,500	1,500
4221	PIPES/CASTINGS/FITTINGS,ETC	0	0	25,000	20,000
4231	GASOLINE	3,444	517	8,000	4,000
4232	DIESEL FUEL/FUEL OIL	6,967	5,587	10,000	10,000
4233	OIL	924	655	900	1,200
4234	TIRES	6,601	483	6,500	6,500
4239	OTHER GARAGE & MOTOR SUPPLIES	24,849	8,201	21,000	18,000
4241	MEDICAL SUPPLIES	0	0	600	300
4245	LANDSCAPING	0	0	2,100	2,100
4246	HOUSEHOLD & CLEANING SUPPLIES	327	300	1,000	1,200
4247	INSTRUCTIONAL SUPPLIES	0	0	2,000	1,000
4261	BLDG. REPR. & MAINT. MTLs.	0	0	1,000	1,000
4262	VEHICLE REPAIR PARTS	0	0	500	500
4263	OTHER EQUIP. REPAIR PARTS	5,428	2,267	7,000	8,000
4271	GRAVEL	3,676	0	10,000	10,000
4272	BITUMINOUS MATERIALS	10,260	0	0	500
4273	SAND	0	0	300	150
4274	SALT	0	0	200	150
4276	SEALING MATERIALS	371	0	2,000	5,000
4277	CEMENT, CONCRETE	0	385	15,000	20,000
4278	LUMBER	0	0	2,000	1,500
4291	SMALL TOOLS	0	0	1,500	750
4299	OTHER MATERIALS & SUPPLIES	121,889	3,461	15,000	15,000
TOTAL SUPPLIES & MATERIALS		186,766	28,086	141,700	136,350
OTHER SERVICES & CHARGES					
4318	GARAGE OVERHEAD	3,060	1,530	3,060	3,060
4314	TECHNICAL SERVICES	0	0	500	0
431K	SEMINAR FEES	0	0	3,000	3,000
431C	RADIO SHOP SERVICES	0	12	2,000	2,000
431X	COMBINATION SERVICES	150,817	0	180,000	235,000
4312	MEDICAL SERVICES	7,579	203	9,000	8,500
4313	GARAGE SERVICES	33,140	9,910	2,000	2,000
4317	INSTRUCTIONAL SERVICES	0	0	5,000	3,000

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** CITY OF FORT WAYNE **
 BUDGET PREPARATION FOR FISCAL YEAR 1995
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FUND 515 STORM WATER SERVICE
 AGENCY 542 STORM SEWER MAINTENANCE

ORGN

OBJECT	ACCOUNT NAME	1993 EXP.	1994 EXP. TO 06/30/94	1994 APPROVED	1995 REQUESTED
OTHER SERVICES & CHARGES					
4321	FREIGHT	0	0	400	200
4322	POSTAGE	0	0	300	200
4323	TELEPHONE	383	1,369	1,200	1,200
4324	TRAVEL EXPENSES	0	0	1,500	1,000
4331	PRINTING OTHER THAN OFF SUPP	0	0	300	300
4332	PUBLICATION OF LEGAL NOTICES	0	0	200	200
4333	BLUEPRINTING	0	0	1,000	750
4351	ELECTRICITY	5,992	2,503	7,200	9,500
4352	NATURAL GAS	2,822	3,078	5,800	7,500
4353	WATER	236	191	700	700
4354	SEWAGE	360	274	700	600
4356	SOLID WASTE DISPOSAL	5,870	1,211	20,000	15,000
4358	HAZARDOUS WASTE DISPOSAL	0	0	500	500
4359	STORM SEWER	249	190	600	600
4363	CONTRACTED OTHER EQUIPMT REPAIR	0	139	0	0
4364	CONTRACTED GROUND REPAIRS	0	0	20,000	10,000
4365	JANITORIAL & LAUNDRY	2,377	2,879	7,300	7,300
4369	CONTRACTED SERVICES	268	399	2,500	3,000
4373	COMPUTER EQUIPMENT RENTAL	0	0	0	0
4374	OTHER EQUIPMENT RENTAL	0	0	500	1,000
4376	HYDRANT RENTAL	0	0	0	0
4391	SUBSCRIPTION & DUES	0	0	350	200
4399	OTHER SERVICES & CHARGES	9,850	3,025	3,000	3,000
TOTAL OTHER SERVICES & CHARGES		223,408	26,916	301,810	339,310
542	*** TOTAL FOR AGENCY	1,071,614	365,613	1,144,377	1,276,371

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** CITY OF FORT WAYNE **
 BUDGET PREPARATION FOR FISCAL YEAR 1995
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FUNC 515 STORM WATER SERVICE
 AGENCY 543 STORM SEWER ADMINISTRATION

ORGN

OBJECT	ACCOUNT NAME	1993 EXP.	1994 EXP. TO 06/30/94	1994 APPROVED	1995 REQUESTED
PERSONAL SERVICES					
411H	WPC MAINT WORK ORDER LABOR	0	0	0	
411I	STORM ENGR WORK ORDER LABOR	56,933	53,067	71,274	74,687
411J	STORM MAINT WORK ORDER LABOR	6,007	4,804	65,797	8,978
411T	TECH SERVICES WORK ORDER LABOR	0	0	0	
411I	SALARIES & WAGES, REGULAR LABOR	12,944	1,126	0	
4122	HOLIDAY PAY	200	0	0	
4123	SICK PAY	10	0	0	
4132	FICA - EMPLOYERS SHARE	77	0	0	
TOTAL PERSONAL SERVICES		76,174	58,997	137,071	83,965
SUPPLIES & MATERIALS					
4212	STATIONERY & PRINTED FORMS	7	1,147	0	
4213	COMPUTER SUPPLIES	0	344	0	
4219	OTHER OFFICE SUPPLIES	642	24	0	
4248	CHEMICALS	0	0	0	
4299	OTHER MATERIALS & SUPPLIES	73	730	0	
TOTAL SUPPLIES & MATERIALS		561	2,444	0	C
OTHER SERVICES & CHARGES					
431C	AUDIT FEES	3,700	3,750	6,000	6,000
431J	TECHNICAL SERVICES	82,698	51,517	0	
431R	ADMIN SERVICES PCOL	0	0	0	
4314	CONSULTANT SERVICES	900,947	435,200	703,000	110,000
4321	FREIGHT, EXPRESS, CRAYAGE	257	0	0	
4332	PUBLICATION OF LEGAL NOTICES	649	41	0	
4333	PHOTOGRAPHY & BLUEPRINTING	4,368	243	0	
4342	LIABILITY INSURANCE	3,162	6,006	12,011	14,209
4343	CRIME INSURANCE	0	C	69	
4345	AUTOMOBILE INSURANCE	4,874	1,623	3,707	2,465
4369	CONTRACT SERVICES	15,760	0	0	
4399	OTHER SERVICES & CHARGES	21,050	12,000	18,000	20,000
TOTAL OTHER SERVICES & CHARGES		1,037,467	510,380	742,807	152,674
CAPITAL OUTLAYS					
4423	CONSTRUCTION FEES-BLOGS & STRCT	267	0	0	
4432	MATERIALS USED - CONSTRUCTION	65	C	0	
4441	PURCHASE OF VEHICLES	0	C	0	18,000
4442	PURCHASE OF HEAVY EQUIPMENT	0	C	12,000	
4444	PURCHASE OF OTHER EQUIPMENT	0	1,286	0	2,400
4445	PURCHASE OF COMPUTER EQUIP	0	20,466	0	
4454	BETTERMENTS & ADDITIONS	795,790	13,345	751,000	1,385,000
TOTAL CAPITAL OUTLAYS		796,124	35,057	763,000	1,405,400
UTILITY TRANSFERS					
9111	SALARIES & WAGES	86,814	47,581	105,362	94,018
9139	UTILITY PENSIONS	148	119	40	200
9299	SUPPLIES	135,105	72,106	163,091	180,829
9311	LEGAL SERVICES	1,812	669	2,400	
9323	TELEPHONE	0	0	0	
9341	PROPERTY INSURANCE	2,780	2,703	5,061	5,864
9342	GENERAL LIABILITY	0	0	0	

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** CITY OF FORT WAYNE **
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FUND 515 STORM WATER SERVICE
AGENCY 543 STORM SEWER ADMINISTRATION

ORGN

OBJECT	ACCOUNT NAME	1993 EXP.	1994 EXP. TO 06/30/94	1994 APPROVED	1995 REQUESTED
UTILITY TRANSFERS					
9399	OTHER SERVICES & CHARGES	102,362	50,833	102,500	159,723
TOTAL UTILITY TRANSFERS		329,629	174,015	378,454	440,634
543	*** TOTAL FOR AGENCY	2,238,233	780,933	2,021,332	2,082,673
515	**** TOTAL FOR FUND	3,514,522	1,280,830	3,555,071	3,738,483



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

MEMBER OF THE COMMON COUNCIL

MEMORANDUM

TO: THE COMMON COUNCIL OF THE CITY OF FORT WAYNE

FROM: STANLEY A. LEVINE, LEGAL ADVISOR

RE: POSSIBLE AMENDMENTS TO G-94-07-21 (AS AMENDED) (AS AMENDED),
BEING AN ORDINANCE AMENDING CHAPTER 53: "STORMWATER
SERVICE", OF THE CITY OF FORT WAYNE CODE OF ORDINANCES

DATE: JANUARY 3, 1995

COUNCILMEN AND COUNCILWOMEN:

In Official Opinion 94-4, it is the conclusion of the Attorney General of the State of Indiana that rate relief may be provided to facilities that are primarily dedicated to religious worship in the form of favorable, differential stormwater rates and that such treatment by the Common Council of the City of Fort Wayne is neither constitutionally mandated nor prohibited.

She concludes, at page 5:

"As detailed below, present Indiana statutes do not allow a total exemption from paying any stormwater fees at all for *any* group, including churches. Nor are such wholesale exemptions constitutionally compelled. However, a reasonable accommodation in the form of favorable, differential rates for churches is permissible under the relevant statutes and the state and federal constitutions. The decision whether to enact such rates is wholly one of local legislative policy."

Sections I through III of her opinion discusses exemptions, although no organizations, including the representatives of the Associated Churches, have specifically requested an exemption from the stormwater fee. (Although Pastor Graham suggested a Florida case supports exemptions for churches.)

In Section IV of her opinion, Attorney General Carter discusses the 1989 opinion of the Attorney General Number 9 discussed by Mr. McCaulay, Corporation Counsel in his memorandum to Greg Purcell of October 4, 1994, which was circulated to you and characterized

Memorandum to the Common Council
January 3, 1995
"Stormwater Service"

the statements quoted by Mr. McCaulay as "non-binding dicta" and concluded "to the extent Opinion 1989-9 suggests that it is impermissible to accommodate the needs of religious organizations in any manner that is not extended to any and all educational, literary, scientific and charitable organizations, is hereby disapproved".

No attorney that has offered his or her opinion on the issues before you has concluded that the stormwater fee in question is a tax. As I mentioned in my letter of October 6, 1994 to the Attorney General's Office, which was likewise circulated to you, that the aforesaid 1989 Attorney General's opinion dealt only with the question of exemption of churches or religious institutions from a tangible property tax and did not deal with the specific question that is now before you as to whether or not a municipality can grant churches or religious institutions a different storm water rate more favorable than similarly-situated institutions. I do not agree that the 1989 Attorney General's opinion would specifically direct "that the Common Council has no authority to place religious institutions in a separate fee category" as Mr. McCaulay concluded in his memorandum.

While my viewpoint may somewhat differ from Mr. McCaulay as to the legal effect of the 1989 Attorney General's opinion upon the issues before you, I nonetheless, as stated in my letter of October 6, 1994, agree with Mr. McCaulay that any categorization of stormwater rates must pass the test of reasonableness.

The concern for reasonableness in this particular ordinance is not a consideration of some abstract legal principle, but arises from a concern that both Mr. McCaulay and I share, that the categorization of stormwater rates in question must be tested against the equal protection provisions of the 14th Amendment of the Constitution of the United States which prohibits any State from denying to any person within its jurisdiction the equal protection of the laws. Significantly, Attorney General Carter does not discuss these equal protection provisions.

While I agree with Attorney General Carter "that favorable, differential rates for churches would be permissible under the relevant statutes and the State and Federal Constitutions", in order to meet a test of reasonableness you should allow a differential rate not just for religious organizations but for "land and buildings used for educational, literary, scientific, religious or charitable offices and exempt from property taxation under I.C. 61-1.1-10-16" as Councilman Long has stated in his proposed amendment establishing a discount for such organizations.

While it might be legally permissible to create a differential rate for religious organizations alone, the method of differential rates contained in Councilman Long's proposed amendment I believe, would be more reasonable, and would not be violative of the Equal Protection Clause of the 14th Amendment of the Constitution of the United States.

However, I would note, not so parenthetically, that establishing a greater discount for land and buildings used for religious organizations than the discount for land used for educational,

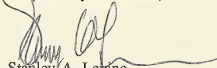
Memorandum to the Common Council

January 3, 1995

"Stormwater Service"

literary, scientific or charitable purposes, would not, in my opinion, meet a test of reasonableness and hence, to that extent, would violate the Equal Protection Clause of the 14th Amendment to the United States Constitution.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Stanley A. Levine', with a long horizontal flourish extending to the right.

Stanley A. Levine
Legal Advisor to the Common Council
of the City of Fort Wayne

BEERS, MALLERS, BACKS & SALIN

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PETER G. MALLERS
R. SCOTT PERRY
JAMES P. POSEY
JOHN W. BOWERS
KURT R. BACHMAN
KIM M. SPIELMAN
STACEY L. KATZ
JO ANN H. MASON
KEVIN P. BRUNS

October 4, 1994

*ALSO ADMITTED TO PRACTICE IN NEW YORK.

Fort Wayne Councilpersons
c/o Clerk of the City
Sandra Kennedy

Dear Councilperson:

A good client of mine and friend of the community, Calvary Temple Church, has asked that I write you with respect to the proposed storm water service fee ordinance presently before you. I would appreciate it if you would give consideration to the following when making your final decision on the storm water service ordinance.

Let me preface my comments by saying that as an attorney for a municipal unit, I fully understand the problems that the City of Fort Wayne is facing with respect to its storm water system. Given the federal mandates and the combined septic/storm water sewer system that is found in certain parts of the city, finding a method to finance the needed upgrades is a difficult task.

Unfortunately, it appears that you have chosen to spread the burden based on a purely mathematical formula. While certain modifications to that formula appear to be allowed in the form of "credits", no adjustment seems to be made based on whether the property is being used for profit/not-for-profit or for religious or charitable purposes as compared to purely private purposes.

By its nature, the storm water fee is more truly a tax than a service fee. Generally speaking, a service fee contemplates some sort of voluntary receipt of the service. As drafted, there is no voluntary receipt of the service, it is a mandatory payment for merely residing within the city. Thus, it is more like a tax than a service fee and should be treated as a tax for the purposes of exemption.

BEERS, MALLERS, BACKS & SALIN

Fort Wayne Councilpersons

October 4, 1994

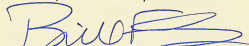
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The state has long recognized the distinctions between taxpayers such as mentioned above and allowed for exemptions from both property and income taxes in recognition of the service to the community provided by organizations which fall within the above descriptions. The reasoning behind the state exemptions is equally applicable in this case. I would strongly urge you to consider granting a storm water exemption to organizations which qualify under Title VI of the Indiana Code for exemption from property taxes.

The procedure to grant such exemptions would be relatively straightforward. If the entity claiming the exemption was qualified for a property tax exemption, they would automatically qualify for the storm sewer charge exemption. Absent that, no exemption would be available. I strongly encourage you to consider such an exemption at the time of the final adoption of this ordinance.

Very truly yours,

BEERS, MALLERS, BACKS & SALIN



G. William Fishing

GWF:lb

a:\gmf\council\lrb



The Good Shepherd United Methodist Church

4700 VANCE AVENUE
FORT WAYNE, INDIANA 46815
Telephone: (219) 483-8816

Pastors: Rev. Ted Blosser, Rev. Kris McPherson

Dear Mr. GiaQuinta,

On behalf of the Administrative Council of Good Shepherd United Methodist Church we wish to express our deep concern over plans being considered entitled THE STORM WATER RUN OFF USER FEE. We recognize the need for taxes in the operation of city government and we are all involved, individually, with our share. However, we also embrace, in this country, a separation of church and state which, in part, identifies churches as tax exempt.

Good Shepherd is a growing church in this community with nearly 1,000 members. Our concern is not primarily the financial impact on this ministry. We see this proposal as a form of tax on churches and would urge you to abandon that element of the plan.

Sincerely,

Roger Summers
Lay Leader

Rev. Ted Blosser
Sr. Pastor



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

MEMBER OF THE COMMON COUNCIL

October 6, 1994

Ann Mullin, Esq.
Deputy Attorney General
Office of the Attorney General
State of Indiana
210 State House
Indianapolis, IN 46204
(317) 232-7979 (fax)

Dear Ann:

This letter will supplement my recent letter to you concerning the "Stormwater Fee Ordinance." I am attaching herewith a memo from J. Timothy McCaulay, Esq., Corporation Counsel regarding the "Stormwater Fee Ordinance." Although I have not as yet had the time to read all of the attachments to his memorandum, I would like to state at the outset that I agree with most of the conclusions that he has reached. Since neither the churches or any other charitable organizations are requesting to be exempt from the stormwater fee, the first two conclusions he reached are really not determinative of the issue that the Common Council of the City of Fort Wayne is now facing.

The fourth numbered question is probably the most significant one.

Mr. McCaulay has utilized the 1989 Indiana Attorney General Opinion No. 9, dealing with tax exemptions to support the proposition that the granting of churches or religious institutions a stormwater rate more favorable than similarly situated institutions would be unconstitutional.

While the Indiana Constitution permits property tax exemptions for municipal, educational, literary, scientific, religious or charitable institutions, the Miles case cited at page three of Mr. McCaulay's memo hold that Article 10, Section 1 of the Constitution of the State of Indiana applies only to property taxes under a general levy. In Miles, the Supreme Court of the State of Indiana held that Article 10, Section 1 of the Constitution of the State of Indiana did not apply to the gross income tax, which was the subject of that lawsuit, but only to property taxes.

page two

In answering his question #4, Mr. McCaulay concludes that the Common Council has no authority to place religious institutions in a separate fee category, relying on the aforesaid Attorney General's opinion, stating that a church or religious institution can be exempt from a tangible property tax without violating the establishment clause of the First Amendment of the United States Constitution, is made applicable by the Fourteenth Amendment of the United States Constitution to the States if: educational, literary, scientific, or charitable organizations are treated in the same manner.

The aforesaid Attorney General's opinion dealt only with the question of exemption of churches or religious institutions from tax, and not with the specific question that is now before you, dealing with whether or not a municipality can grant churches or religious institutions a different stormwater rate more favorable than similarly-situated institutions.

Assuming, arguendo, that the Supreme Court of the State of Indiana would reach the same conclusion as the Court of Appeals of Kentucky, that the stormwater charge in this instance is not a tax, since churches and synagogues of this City are not requesting an exemption from the stormwater charge, then there appears to be further support for my assertion that the Attorney General's opinion in question is not directly on point.

Mr. McCaulay's comments comparing the Fort Wayne Ordinance and the fees in the Sarasota, Florida case of June 24, 1994 appeared to delineate a reasonable factual distinction. At the very least, that Florida decision in no way, by my view, is so determinative that it would control your office analysis of the issues presented by this letter.

During a presentation before the Common Council of the City of Fort Wayne on October 4, 1994, Mr. McCaulay opined, and I agreed, that any categorization of stormwater rates must pass a test of "reasonableness." Thus, if the Common Council of the City of Fort Wayne would create a separate category for churches, synagogues, and schools sponsored by those organizations, without treating other charitable organizations by way of example, placing them in a similar category, such treatment would certainly be the subject of a possible challenge as to its "reasonableness." I would agree.

The prudent approach, of course, would be to follow Article 10, Sec. 1 of the Indiana Constitution and in the 1989 Indiana Attorney General's opinion, treat religious institutions the same as municipal, educational, literary, scientific, or charitable organizations, by creating a separate stormwater category for each of these similarly-situated non-commercial institutions.

If your office would conclude for purpose of this inquiry that the proposed stormwater fee is not a tax, and assume further that no religious institution or any other charitable institutions are requesting an exemption, nor is the Common Council of the City of Fort Wayne contemplating exempting religious institutions or other charitable institutions from the stormwater fee, then the two questions to be answered by your office are as follows:

- 1). Can the Common Council establish a different stormwater rate for religious institutions or other charitable organizations?

page three

- 2). Can the Common Council establish a separate stormwater rate for municipal, educational, literary, scientific, religious, or charitable institutions within the City of Fort Wayne?

You will note that Ordinance No. G-32-93 regarding stormwater service, within the City of Fort Wayne utilized flat rates, for the following types of properties:

- 1). Residential
- 2). Commercial
- 3). Industrial
- 4). Institutional, hospital, churches and schools
- 5). Miscellaneous and inter-departmental City
- 6). Miscellaneous - small facilities

In response to the mandate of the Common Council of the City of Fort Wayne, the present ordinance was developed to implement what is contemplated to be a more equitable rate structure based upon "equivalent resident units" (ERUs), equal to the average amount of impervious area of a single family residential property within the City, established at 2500 sq. ft. of measured impervious area. The 2500 square feet of measured impervious area of was established in lieu of measuring each and every residence within the City of Fort Wayne.

Under the rate scheme in this proposed ordinance, all non-residential properties will be assigned an ERU-multiple based on the measured impervious area (square feet) divided by 2500 square feet.

Your office has requested my opinion before rendering an opinion on this issue.

I find no legal reason why the City of Fort Wayne could not expand to more than two classifications or rate structures for stormwater within the City of Fort Wayne, which rates I would assume could be established as:

- 1). Residential
- 2). Non-residential - Municipal, educational, literary, scientific, religious, and charitable organizations
- 3). Non-residential - Industrial and commercial

page four

(Note: Whether the City of Fort Wayne could establish a rate for the second category with a fixed multiple of ERUs and utilizing measured impervious areas for the third category would be a matter of determination by the Common Council of the City of Fort Wayne and the City administration, and would not be the concern of your office or mine.)

I have suggested a category number 2, directly analogous to the permissive exemption of property taxes by the General Assembly to support the "reasonableness" of this second category. Limiting category number 2 to just religious and/or charitable organizations, while perhaps in my opinion legally permissible, would seem to be less "reasonable" than the broader category I have suggested, although only churches and synagogues have made a request for a separate rate.

I would agree with Mr. McCaulay's statement at our last Common Council meeting that the more categories of stormwater charges there are, the more subject the ordinance will be to challenge. I would also support his conclusion that each category established must pass the test of "reasonableness."

Although flat rates were used in the 1993 ordinance and ERUs are used in the 1994 ordinance that is now before the Common Council, the legal reasoning that permitted the City to establish residential and various categories of non-residential stormwater charges would appear to be the same.

On the 4th day of October 1994, the Common Council of the City of Fort Wayne deferred any further action on the pending stormwater ordinance, subject to receipt of your opinion from your office. I look forward to receiving said opinion at the earliest possible date.

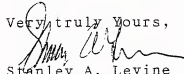
My summary is by no means intended to preclude your office from addressing all of the four questions raised in Mr. McCaulay's memorandum, which was delivered to the Common Council. Since, there is no request to exempt religious or any other charitable organizations, there is little need to address his questions number 2 and number 3.

I am sure you will have to address the question of whether your office believes that the proposed stormwater fee is in reality a tax, in order to answer the two questions that I have posed. I thank you for your kind attention to this request.

Again, we appreciate your considering this inquiry and please consider it to be supplementary and more specific than the question posed in my letter of September 27, 1994 to your office.

Please call me with any questions at (219) 422-7431.

Very truly yours,


Stanley A. Levine
Legal Advisor

c. c. Pam Carter

September 27, 1994

Ann Mullin, Esq.
Deputy Attorney General
State of Indiana
210 State House
Indianapolis, IN 46204
(317) 232-7979 (fax)

Dear Ms. Mullin:

Per our telephone call today, I am attaching a copy of G-94-07-21, entitled "An Ordinance amending Chapter 53: "Stormwater Service," of the City of Fort Wayne Code of Ordinances," which legislation is pending, and Ordinance G-32-93, which was passed last year.

I was instructed to inquire whether the State Attorney General believes in its rate structure the City can have a third category of billing for churches and synagogues that is less than the standard non-residential rate.

The City Council of Fort Wayne will consider this ordinance in its Committee Session on October 4, 1994 and it may be passed as early as October 11, 1994, so I would appreciate receiving your response as soon as possible.

Please call me with any questions at (219) 422-7431.

Very Truly Yours,

Stanley A. Levine
Legal Advisor

c. c. Pamela Carter, State Attorney General



THE ASSOCIATED CHURCHES OF FORT WAYNE AND ALLEN COUNTY, INC.

602 East Wayne Street, Fort Wayne, Indiana 46802
(Corner of East Wayne and Monroe Streets)
(219) 422-3528

October 4, 1994

Vernon R. Graham
Executive Pastor

Dear City Council Members,
Since our last discussion about the Storm Water Run-off Tax, the churches of the community have discovered the following information:

BOARD OF DIRECTORS

Sharon Banks
James Bledsoe
Arthur Brickman
George Caruso
Liz Dobynes
Carolyn Gorom
Lewis Griffin
Charles Hatten
Pearl Hearn
Paul Holsoppie
Jane Hoylman
David Humphreys
Len Iaquina
Bill Johnson
Dick Jones
Mel McFall
John McNaughton
Mike Nickieson
Jeannean Raines
E. H. Redmon
Jack Scott
Jack Stark
Jean Streicher
Robin Thomas
Deanna Wilkison
Timothy Williams

Storm Water Runoff User Fee.

Since the very first time that Dr. Bledsoe and I spoke to the City Council concerning the Storm Water Runoff User Fee, we maintained that it was a tax. We have again and again maintained that the State and Federal Constitutions exempted Churches from the payment of taxes as a part of the Freedom of Religious clause. Yet, as good neighbors under protest, we agreed to pay a flat fee as part of a temporary ordinance until the Constitutional issues could be resolved.

In our state as well as national research, just this past Friday we have found the latest court decision on User Fees and specifically the Storm Water User Fee Tax. On June 24, 1994 the Florida Appellate Court maintained that a special assessment for stormwater services is invalid as to religious organizations. They further maintained that "...if services are routinely allowed to become special assessments then potentially the exemption of churches from taxation will be largely illusory."

Therefore, based on the strength of this most recent Florida case we again ask the City Council to offer an amendment to the Final City Ordinance on Storm Water Runoff that would exempt the Churches/Synagogues, Church Schools, and any other religious agency or organization. Based upon our understanding of Indiana law as to which groups are exempt from payment of taxes, we also believe that many, if not all, of Fort Wayne's Not-for-Profit agencies have a legal right to exemptions. Yet, this is a matter for their Boards of Directors, Executive Directors, and legal representatives to examine.

We also believe that the total amount that has been billed to the churches of our community should be refunded for the entire 3 1/2 years of the assessment. This should be done be a lump sum check to each congregation, rather than as a credit to the utility bills. Thank you for your kindness in this matter.

Sincerely,

Vernon R. Graham
Executive Pastor

STAFF
Maxine Bandemer
Linda Elliott
Nick Elliott
Ellen Graham
Ed Pease

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rule and civil courts must defer to their judgments in those matters. Here, the court agreed with the appellate court that the Parish was congregational in nature and, therefore, capable of deciding whether to remain a part of the Church, and furthermore that the Parish had exclusive control over the disputed property. The supreme court affirmed the court of appeals decision.

Date of Opinion: July 6, 1994

Opinion by: Unknown

Attorneys:

For Plaintiff: John O. Mirick, Joan O. Vorster

For Defendant: Dale R. Harger

8-530

RELIGIOUS ORGANIZATIONS/MINISTRIES: TAXING POWER: PROPERTY/SALES TAX

Sarasota County v. Sarasota Church of Christ, Inc., ___ So. 2d ___, No. 93-01902, 1994 Fla. App. LEXIS 6168 (Fla. Dist. Ct. App. 1994).

Florida appeals court holds that a special assessment for stormwater services is invalid as to religious organizations.

The appellant, Sarasota County, challenged a final judgment in a class action suit that declared invalid, as to members of the class, the special assessments levied for the County's Stormwater Environmental Utility pursuant to Sarasota County Ordinance No. 89-117. The appellee, Sarasota Church of Christ, Inc., (Church), was a member of the class which consisted of religious organizations owning real property within Sarasota County which was used exclusively for religious purposes. The Church cross-appealed the same final judgment insofar as it validated special assessments levied by the County for fire and rescue services.

The Court of Appeal of Florida stated that the dispositive issues were whether churches should pay for fire and rescue services which are levied as special assessments, and whether they should be exempt from special assessments for stormwater management services. The court began its analysis by defining a special assessment and by stating the elements necessary for an assessment to be legal. Specifically, the court stated that churches are exempt from taxation but subject to payment of special assessments provided that the assessment is directly proportionate to the benefits enjoyed by the property. Using this standard, the court first examined the special assessment for fire and rescue services. Here, the court determined that since the churches had been paying this valid assessment for the past 20 years without protest they were estopped from contesting these payments. The court next addressed the assessment for stormwater management services. Here, the court found first that the churches had never before paid this assessment, and secondly, that the services benefited the community as a whole with no special or direct benefit to any particular landowner. For these reasons, the court determined that the stormwater management services did not meet the definition of a special assessment and, therefore, could not be levied as such against the churches. The court concluded its remarks by stating that if services are routinely allowed to become special assessments then potentially the exemption of churches from taxation will be largely illusory.

Date of Opinion: June 24, 1994

Opinion by: Per Curiam

Attorneys:

For Appellant: Richard E. Nelson, Richard L. Smith, Sarasota, Florida

For Appellee: Stephen F. Ellis, I.W. Whitesell, Jr., Sarasota, Florida

Stormwater Utility Church ERU Analysis

1	Abundant Life Church of God	2	\$13.18	\$ 3.88
2	Acaduth Vesholom Congregation	56	\$13.18	\$108.64
3	Agape Christian Center	22	\$13.18	\$ 42.68
4	Antioch Baptist Church	5	\$13.18	\$ 9.70
5	Apostolic Jesus Name Church	5	\$13.18	\$ 9.70
6	Assembly of God-State Street	10	\$13.18	\$ 19.40
7	Avalon Missionary Church	21	\$13.18	\$ 40.74
8	Aldersgate United Methodist	51	---	\$ 98.94
9	Beacon Heights Brethren	18	\$13.18	\$ 34.92
10	Bethany Presbyterian Church	8	\$ 5.49	\$ 15.52
11	Bethel FWB Church	3	\$ 5.49	\$ 5.82
12	Bethlehem Lutheran Church	38	\$ 5.49	\$ 73.72
13	Bible Baptist Church	30	\$13.18	\$ 58.20
14	Body of Christ SDA Church	2	\$13.18	\$ 3.88
15	Broadway Christian Church	19	\$13.18	\$ 36.86
16	Brookside Ev. Mennonite	57	\$13.18	\$110.58
17	Bethany Lutheran Church	15	---	\$ 29.10
18	Calvary Chapel	15	\$13.18	\$ 29.10
	Calvary Chapel	5	\$13.18	\$ 9.70
19	Calvary Pentecostal Church	26	\$13.18	\$ 50.44
20	Calvary Presbyterian Church	23	\$13.18	\$ 44.62
21	Calvary Temple Church	175	\$13.18	\$339.50
22	Calvary United Methodist Ch	39	\$13.18	\$ 75.66
23	Canaan Baptist Church	5	\$13.18	\$ 9.70
24	Catholic Diocese of Ft. Wayne	41	\$13.18	\$ 79.54
25	Christ Methodist Church	18	\$13.18	\$ 34.92
26	Christ Temple Church	4	\$13.18	\$ 7.76
27	Christian Praise and Fellow	9	\$ 5.49	\$ 17.46
28	Church of Christ-Chestnut St.	5	\$13.18	\$ 9.70
29	Church of Christ-Leith St.	1	\$ 5.49	\$ 1.94
30	Church of Christ-Thurber St.	9	\$13.18	\$ 17.46
31	Church of Christ-Trick St.	8	\$ 5.49	\$ 15.52
32	Church of God-Putnam	8	\$13.18	\$ 15.52
33	Church of God-Third Street	3	\$ 5.49	\$ 5.82
34	Church of God-Tillman	8	\$13.18	\$ 15.52
35	Latter Day Saints	41	\$13.18	\$ 79.54
36	Community Baptist Church	1	\$13.18	\$ 1.94
37	Concordia Lutheran Church	59	\$ 5.49	\$114.46
38	Cornerstone Christian Church	1	\$ 5.49	\$ 1.94
	Cornerstone Christian School	19	\$73.80	\$ 36.86
39	Covenant Christian Center	8	\$ 5.49	\$ 15.52
40	Crescent Avenue U. M.C.	16	\$13.18	\$ 31.04
41	Crusaders Church of Ft. Wayne	2	\$ 5.49	\$ 3.88
42	Dupree Temple Church of God	16	\$ 5.49	\$ 31.04
43	Elmhurst Ch. of the Nazarene	8	\$13.18	\$ 15.52
44	Emmanuel Baptist Church	3	\$13.18	\$ 5.82
45	Emmaus Lutheran Church	51	\$13.18	\$ 98.94
46	Epiphany Lutheran Church	26	\$13.18	\$ 50.44
47	Epworth Forest U.M.C.	16	\$13.18	\$ 31.04
48	Evangelical Christian Church	17	\$13.18	\$ 32.98
49	Evangelical Mennonite Church	9	\$13.18	\$ 17.46

50.	Fairfield Ch. of Nazarene	30	\$13.18	\$ 58.20
51.	Fairhaven Mennonite Church	6	\$13.18	\$ 11.64
52.	Faith Lutheran Church	18	\$13.18	\$ 34.92
53.	Faith Baptist Church-Gay St.	6	\$ 5.49	\$ 11.64
54.	Faith U.M.C.	24	\$ 5.49	\$ 46.56
55.	Fellowship Missionary Church	75	\$13.18	\$145.50
56.	First Assembly of God	105	\$13.18	\$203.70
57.	First Baptist Church	29	\$13.18	\$ 56.26
58.	First Christian Church	24	\$13.18	\$ 46.56
59.	First Christian Union	40	\$ 1.94	\$ 77.60
60.	First Church of Christ	15	\$13.18	\$ 29.10
61.	First Nazarene Church	9	\$13.18	\$ 17.46
62.	First Mennonite Church	6	\$ 5.49	\$ 11.64
63.	First Methodist Church	23	\$13.18	\$ 44.62
64.	First Missionary Church	37	\$13.18	\$ 71.78
65.	First Missionary-South Wayne	7	\$26.36	\$ 13.58
66.	First Pentecostal Church	13	\$13.18	\$ 25.22
67.	First Presbyterian Church	66	\$36.93	\$128.04
68.	Forest Park U.M.C.	13	\$13.18	\$ 25.22
69.	Free Methodist Church	14	\$13.18	\$ 27.16
70.	Friendship Baptist Church	3	\$13.18	\$ 5.82
71.	Fort Wayne Friends	7	\$13.18	\$ 13.58
72.	Fort Wayne Gospel Temple	2	\$ 1.94	\$ 3.88
73.	Fort Wayne Primitive B.C.	1	\$ 5.49	\$ 1.94
74.	Fort Wayne Spiritual Science	1	\$13.18	\$ 1.94
75.	Faith and Healing	1	---	\$ 1.94
76.	Fort Wayne Baptist Temple	30	\$13.18	\$ 58.20
77.	Gethsemane Lutheran Ch.	34	\$13.18	\$ 65.96
78.	Glenwood Ch. of Christ	16	\$13.18	\$ 31.04
79.	Good Hope Baptist Church	6	\$13.18	\$ 11.64
80.	Good Shepherd U.M.C.	45	\$13.18	\$ 87.30
	Good Shepherd U.M.C.	2	\$ 1.94	\$ 3.88
81.	Gospel Lighthouse	2	\$13.18	\$ 3.88
82.	Grace Lutheran Church	13	\$13.18	\$ 25.22
83.	Grace/St. John's	12	\$13.18	\$ 23.28
84.	Grace Temple Church	1	\$ 1.94	\$ 1.94
85.	Greater Mt. Eria Church	28	\$13.18	\$ 54.32
86.	Greater New Hope	1	---	\$ 1.94
87.	Grace Brethren Church	10	\$13.18	\$ 19.40
88.	Harvester Missionary Church	21	\$13.18	\$ 40.74
89.	Harvester Word of Life	7	\$13.18	\$ 13.58
90.	Higher Ground Ministries	1	---	\$ 1.94
91.	Highland Bethel Church	8	\$13.18	\$ 15.52
92.	Holy Ascension Ukrainian	2	\$ 5.49	\$ 3.88
93.	Holy Cross Lutheran	99	\$13.18	\$192.06
94.	Holy Scripture Lutheran	2	---	\$ 3.88
95.	Holy Trinity Church	15	\$13.18	\$ 29.10
96.	Holy Trinity-Smith Street	1	\$ 5.49	\$ 1.94
97.	House of God-Wayne	3	\$ 5.49	\$ 5.82
98.	House of the Holy Spirit	11	\$13.18	\$ 21.34
99.	Immanuel Baptist Church	34	\$13.18	\$ 65.96
100.	Islamic Center	1	---	\$ 1.94
101.	Jehovahs Witness-Abbott	19	\$13.18	\$ 36.86
102.	Jerusalem Baptist Church	6	\$13.18	\$ 11.64

103.	Jesus Name Church	16	\$ 5.49	\$ 31.04
104.	Kingdom Hall Church	4	\$ 1.94	\$ 7.76
105.	King's Chapel Assembly	10	\$13.18	\$ 19.40
106.	Koinonia Christian Center	42	\$13.18	\$ 81.48
107.	Lake Avenue Nazarene	49	\$13.18	\$ 95.06
108.	Living Epistles Apostolic	3	\$13.18	\$ 5.82
109.	Local Christian Church	13	\$13.18	\$ 25.22
110.	Lutheran Church Offices	12	\$36.93	\$ 23.28
111.	Lutheran Ch.-Our Saviors	9	\$ 5.49	\$ 17.46
112.	Maplewood Mennonite Church	22	\$13.18	\$ 42.68
113.	Matthew 25 Health Clinic	4	\$13.18	\$ 7.76
114.	McKee Street Church of God	5	\$13.18	\$ 9.70
115.	Memorial Baptist Church	13	\$13.18	\$ 25.22
116.	Messiah Lutheran	13	\$36.93	\$ 25.22
117.	Missionary Church Offices	6	\$ 1.94	\$ 11.64
118.	Mt. Calvary Lutheran	19	\$13.18	\$ 36.86
119.	Mt. Olive Baptist Church	1	\$13.18	\$ 1.94
120.	Mt. Sinai Baptist Church	3	\$13.18	\$ 5.82
121.	Mt. Calvary Baptist Church	6	\$13.18	\$ 11.64
122.	New Haven Missionary Church	5	\$ 5.49	\$ 9.70
123.	New Hope Church	2	\$13.18	\$ 3.88
124.	New Life Christian Center	6	\$13.18	\$ 11.64
125.	Northridge Baptist Church	13	\$13.18	\$ 25.22
126.	Northside Missionary Church	13	\$ 5.49	\$ 25.22
127.	Oakridge Temple	7	\$13.18	\$ 13.58
128.	Our Mother of Perpetual Hope	2	\$13.18	\$ 3.88
129.	Park Forest Church of God	17	\$13.18	\$ 32.98
130.	Parkwood Church of God	16	\$13.18	\$ 31.04
131.	Peace Lutheran Church	29	\$13.18	\$ 56.26
	Peace Lutheran-Crestway	1	\$ 1.94	\$ 1.94
132.	Pentecostal Church of God	1	\$ 5.49	\$ 1.94
133.	Pilgrim Baptist Church	16	\$ 5.49	\$ 31.04
134.	Plymouth Congregational Ch	10	\$13.18	\$ 19.40
135.	Precious Blood Church	43	\$13.18	\$ 83.42
136.	Progressive Baptist Church	15	\$13.18	\$ 29.10
137.	Providence Baptist Church	4	\$ 5.49	\$ 7.76
138.	Queen of Angels Catholic	43	\$13.18	\$ 83.42
139.	Redeemer Lutheran Church	17	\$13.18	\$ 32.98
140.	Reorganized Church L.D.S.	16	\$13.18	\$ 31.04
141.	Resurrection Lutheran	20	\$13.18	\$ 38.80
142.	Sacred Heart Catholic	46	\$13.18	\$ 89.24
143.	Salem U.C.C.	30	\$13.18	\$ 58.20
144.	Sandpoint Jehovah Witness	20	\$13.18	\$ 38.80
145.	Shepherd of the City-Luth.	16	\$13.18	\$ 31.04
146.	Shiloh Baptist Church	22	\$ 5.49	\$ 42.68
147.	Simpson U.M.C.	46	\$13.18	\$ 89.24
148.	Society of St. Pius	17	\$13.18	\$ 32.98
149.	South Side Church of God	4	\$13.18	\$ 7.76
150.	South Wayne Baptist Church	10	\$13.18	\$ 19.40
151.	South Wayne U.M.C.	8	\$ 1.94	\$ 15.52
152.	Spiritual Israel-Douglas	2	\$13.18	\$ 3.88
153.	Spiritual Israel-Fairfax	5	\$13.18	\$ 9.70
154.	Spiritual Church-Divine	3	\$13.18	\$ 5.82
155.	Spring Street Wesleyan	4	\$13.18	\$ 7.76


	Spring Street Wesleyan	5	\$13.18	\$ 9.70
156.	SS Nazarene	19	\$13.18	\$ 36.86
157.	St. Andrew's Catholic	22	\$13.18	\$ 42.68
	St. Andrew's Soup Kitchen	3	\$ 1.94	\$ 5.82
158.	St. Hyacinth's Catholic	18	\$13.18	\$ 34.92
159.	St. John's Orthodox	5	\$13.18	\$ 9.70
160.	St. John's Baptist-Hanna	18	\$13.18	\$ 34.92
161.	St. John's CME Church	1	\$ 5.49	\$ 1.94
162.	St. John the Baptist Cath.	36	\$ 1.94	\$ 69.84
163.	St. John's Lutheran Church	11	\$ 5.49	\$ 21.34
	St. John's Lutheran Church	14	\$36.93	\$ 27.16
	St. Johns Lutheran Cemet.	21	\$ ---	\$ 40.74
164.	St. Jude's Catholic	50	\$ 5.49	\$ 97.00
165.	St. Luke's Lutheran	11	\$13.18	\$ 21.34
166.	St. Mary's Catholic	18	\$13.18	\$ 34.92
167.	St. Matthew's Lutheran	30	\$ 1.94	\$ 58.20
168.	St. Michael's Lutheran	34	\$13.18	\$ 65.96
169.	St. Nicholas Church	31	\$13.18	\$ 60.14
170.	St. Patrick's Catholic	36	\$13.18	\$ 69.84
171.	St. Paul's Catholic	14	\$13.18	\$ 27.16
172.	St. Paul's U.M.C.	12	\$13.18	\$ 23.28
173.	St. Paul's Lutheran	18	\$13.18	\$ 34.92
174.	St. Peter's Catholic	25	\$13.18	\$ 48.50
175.	St. Therese Catholic	31	\$13.18	\$ 60.14
176.	St. Volodymir Ukr	1	\$ 5.49	\$ 1.94
177.	Star of Bethel Church	3	\$13.18	\$ 5.82
178.	State Street Baptist	1	\$ 5.49	\$ 1.94
179.	Statewood Baptist	18	\$13.18	\$ 34.92
180.	South Baptist Church	14	---	\$ 27.16
181.	St. Joseph's U.M.C.	49	---	\$ 95.06
182.	Tabernacle Baptist	3	\$ 5.49	\$ 5.82
183.	Taylor University	3	\$13.18	\$ 5.82
184.	Templo El Refugio	2	\$13.18	\$ 3.88
185.	Third Presbyterian Ch.	13	\$ 5.49	\$ 25.22
186.	Tree of Life Baptist	1	---	\$ 1.94
187.	Trier Ridge Church	24	\$13.18	\$ 46.56
188.	Trinity Baptist Church	4	\$ 5.49	\$ 7.76
189.	Trinity Nazarene-Stellhorn	30	\$13.18	\$ 58.20
190.	Trinity Episcopal Church	10	\$13.18	\$ 19.40
	Trinity Episcopal Church	13	---	\$ 25.22
191.	Trinity Ev. Lutheran-Decatur	31	\$13.18	\$ 60.14
192.	Trinity U.M.C.	12	\$13.18	\$ 23.28
193.	True Love Baptist Church	20	\$13.18	\$ 38.80
194.	Turner Chapel A.M.E.	4	\$13.18	\$ 7.76
195.	Union Baptist Church	9	\$13.18	\$ 17.46
196.	Unitarian Congregation	16	\$13.18	\$ 31.04
197.	United Brethren Parsonage	6	\$13.18	\$ 11.64
198.	United For Christ Christian	1	\$13.18	\$ 1.94
199.	Vineyard South	9	\$13.18	\$ 17.46
200.	Vineyard North	53	\$13.18	\$103.82
201.	W.I.N. Ministries	3	\$13.18	\$ 5.82
202.	Warsaw St. Baptist Church	5	\$13.18	\$ 9.70
203.	Waynedale Community Ch.	4	\$13.18	\$ 7.76
204.	Waynedale U.M.C.	40	\$13.18	\$ 77.60

205.	West Creighton Christian	13	\$13.18	\$ 25.22
206.	West Main Nazarene	2	\$13.18	\$ 3.88
207.	West Presbyterian Church	18	\$13.18	\$ 34.92
208.	Westfield Presbyterian Ch	9	\$13.18	\$ 17.46
209.	Winchester Road Baptist	6	\$13.18	\$ 11.64
210.	Wings of Deliverance	4	\$13.18	\$ 7.76
211.	Woodview Church of God	8	---	\$ 15.52
212.	Tabernacle Assembly	3	\$ 5.49	\$ 5.82

Newly Added Churches:

213.	Fort Wayne Baptist Temple	30	\$13.18	\$ 58.20
214.	St. Joseph's U.M.C.	47	\$13.18	\$ 95.06
215.	Greater Spirit of Love	5	\$ 5.49	\$ 9.70
216.	Church of God-Prophecy	9	\$13.18	\$ 17.46
217.	El Lirion De Los Vzlls	1	\$13.18	\$ 1.94
218.	Unity Church of Ft. Wayne	3	\$13.18	\$ 5.82

MEMORANDUM

To: Greg Purcell
From: J. Timothy McCauley, Corporation Counsel 
Date: October 4, 1994
Re: Stormwater Fee Ordinance

You have requested a legal opinion concerning several issues raised with respect to pending stormwater fee ordinance. In particular, the questions are:

1. Is the proposed "fee," in reality, a tax?
2. Are religious institutions, or other charitable organizations, exempt from the "fee"?
3. Can the Common Council exempt religious institutions, or other charitable organizations, from the "fee"?
4. Can the Common Council place religious institutions, or other charitable organizations, in a separate category with a different fee than similarly situated commercial institutions?

A. The Proposed Stormwater "Fee" Is Not A Tax

Recently, the Indiana Court of Appeals explained the distinction between a "user fee" and a "tax":

A tax is compulsory and not optional; it entitles the taxpayer to receive nothing in return other than the rights of government which are enjoyed by all citizens. . . . On the other hand, a user fee is optional and represents a specific charge for the use of publicly-owned or publicly provided facilities or services.

Ace Rent-A-Car v. Airport Authority (1993), Ind. App., 612 N.E. 2d 1104, 1108 (citations omitted).

No Indiana Court has yet ruled on whether or not a stormwater drainage fee based upon the amount of impervious surface is a "tax." However, courts in Kentucky, Colorado, and Washington have ruled that such "fees" are not taxes. See Long Run Baptist Ass'n v. Sewer District (1989), Ky. App., 775 S.W. 2d 520; Zelinger v. City And County of Denver (1986), Colo., 724 P. 2d 1356; Teter v.

Clark County (1985), Wash., 704 P. 2d 1171. (Copies of these cases are attached.). These decisions certainly suggest that an Indiana court would reach the same result. After all, the Kentucky court used almost the same differentiation between a "user fee" and a "tax" as used by the Indiana court in Ace when the Kentucky court noted: "A tax is universally defined as an enforced contribution to provide for the support of government, whereas a fee is a charge for a particular service." Long Run Baptist Ass'n, 775 S.W. 2d at 522.

Moreover, some of the same arguments being made in opposition to the proposed Fort Wayne stormwater drainage fee were considered and rejected in Long Run Baptist Ass'n, *supra*. For example, the court in Long Run Baptist Ass'n considered and rejected a claim that some property owners would receive no benefit from the drainage plan because either they have constructed their own system or the stormwater run off from their property drains directly into a river, noting:

'We think that in the case of a surface drainage improvement area, any property that is part of the watershed or drainage basin may properly be considered to be benefitted by the project through the general improvement of conditions of health, comfort and convenience in the area and the resulting general enhancement of values in the area.'

Long Run Baptist Ass'n, 775 S.W. 2d at 522 (quoting Curtis v. Louisville and Jefferson County Metropolitan Sewer District (1958), Ky., 311 S.W. 2d 378, 382. The Long Run Baptist Ass'n court also rejected a challenge to the rate structure. The Sewer District rate structure was based on the "ESU" (Equivalent Service Unit) approach assessing a flat rate for residential property and assessing the same rate for each 2,500 square feet of impervious surface for non-residential property. 775 S.W. 2d at 523. The Long Run Baptist Ass'n court found such a rate structure "a reasonable and rational classification." *Id.* Finally, it should be noted that the opponents to the stormwater drainage fee did not even appeal the trial court determination no religious organization was constitutionally exempt from the payment of the fees. *Id.* at 521 ("Furthermore, the court determined that appellant Long Run Baptist Association, Inc., had no constitutional exemption from the payment of such charges.").

Furthermore, the Indiana General Assembly has expressly authorized the assessment and collection of "user fees from all of the property of the storm water district for the operation and

maintenance of the storm water system. See I.C. 8-1.5-5-7(b). So long as the revenues received from the "fees" are used for the operation and maintenance of the storm water system, the "fee" is clearly a user fee and not a "tax." In fact, the only "taxes" a stormwater district can impose are "special benefit taxes" to pay for any bonds issued "to pay for the required property and the acquisition, erection, and construction of the proposed work." See I.C. 8-1.5-5-21 and I.C. 8-1.5-5-22. It is only these "special benefit taxes" that are to be "collected and enforced in the same manner as state and county taxes are estimated, entered, and enforced." I.C. 8-1.5-5-22(a)(2).

Thus, under Indiana law, the proposed "fee" is a "user fee" and not a tax.

B. Religious Institutions and Other Charitable Organizations Are Not Exempt From the Fee

Considerable confusion exists as to the source of any exemption for religious institutions from state and local property taxes. However, the source of these exemptions is not the U. S. Constitution, but the various state constitutions. Moreover, in Indiana, at least, the exemption is permissive, not mandatory. See Ind. Const., Art. 10, Sec. 1 (Indiana General Assembly may exempt from property taxation property being used for municipal, educational, literary, scientific, religious or charitable purposes.). Furthermore, this constitutional provision has been interpreted to apply only to property taxes under a general levy. See Miles v. Department of Treas. (1935), 209 Ind. 172, 199 N.E. 372. See also 1989 Ind. O.A.G. No. 9. As the Indiana Attorney General has explained: "The [General Assembly] must enact legislation for property to be tax exempt from property taxation." 1989 Ind. O.A.G. No. 9 (A copy of this Attorney General Opinion is attached.).

Admittedly, one Florida court has held that churches and religious institutions are exempt, under Florida law, from a stormwater fee that a Florida community switched from a tax base to a special assessment base. See Sarasota County v. Sarasota Church of Christ (June 24, 1994), Fla. App., 1994 WL 278128. (A copy of the decision is attached; however, it should be noted that the opinion is not a final decision and is still subject to revision or withdrawal.). However, it should be noted that Florida has a very narrow definition of "special assessment" that is not as broad as the Indiana definition of "user fee." Moreover, the revenue from the assessment raised twice as much money as needed to maintain and operate the stormwater system. Finally, there was

no indication that the "special assessment" was authorized by Florida law. Thus, this case has little application to interpreting Indiana law.

The Indiana General Assembly has not enacted any legislation exempting any property owner from the stormwater user fees authorized by I.C. 8-1.5-5-7(b). Therefore, no one is entitled to any exemption.

C. The Common Council Cannot Exempt Religious Institutions, Or Other Charitable Organizations from the "Fee"

Article 10, Sec. 1 of the Indiana Constitution makes it clear that only the Indiana General Assembly may exempt municipal, educational, literary, scientific, religious or charitable organizations from a "tax." Therefore, even if the user fee were a "tax," it is the General Assembly that must grant the exemption. As the General Assembly has not exempted any property owner from the user fee, the Common Council cannot make any exemptions either. Moreover, the only exemptions the Common Council could recognize would be those exemptions authorized by state law.

D. The Common Council Cannot Treat Religious Institutions Differently From Other Similarly Situated Property Owners

The Common Council has no authority to place religious institutions in a separate fee category. In fact, the Indiana Attorney General has previously opined that "a church or religious institution may be exempted from tax without violating the Establishment Clause of the First Amendment of the United States Constitution as made applicable by the Fourteenth Amendment of the United States Constitution to the States if educational, literary, scientific or charitable organizations are treated the same." 1989 Ind. O.A.G. No. 9 (emphasis added). Therefore, if anything is unconstitutional under the U.S. Constitution, it would be the granting of churches or religious institutions a rate more favorable than similarly-situated institutions.

Conclusion

1. Under Indiana law, the proposed stormwater drainage fee is not a "tax."
2. Churches and religious institutions are exempted from the payment of state and local taxes based not on the U. S. Constitution, but based on state constitutions.

3. The Indiana Constitution permits, but does not require, the Indiana General Assembly to exempt churches and similar organizations from certain property taxes.
4. The Indiana General Assembly has not exempted churches and religious organizations from the payment of stormwater drainage fees established pursuant to I.C. 8-1.5-5-7(b).
5. The Common Council cannot exempt organizations from the payment of the stormwater drainage user fee not exempted under state law.
6. It would violate the Establishment Clause of the First Amendment to provide churches and religious organizations a rate more favorable than other similarly-situated organizations.

All concur.



LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT; Comprehensive Storm Water Drainage Authority; City of Louisville, Kentucky; Board of Aldermen of the City of Louisville; Jefferson County, Kentucky; and Fiscal Court of Jefferson County, Kentucky, Appellees.

Case Ordered Published by
Court of Appeals Aug. 12, 1989.

Property owners filed declaratory judgment action challenging service charge imposed to form storm water drainage program. The Jefferson Circuit Court, Olga S. Peers, J., entered summary judgment

Affirmed.

- Municipality was properly accorded summary judgment in suit brought by user of municipal storm water drainage system to challenge special charge imposed by municipality; municipality had satisfied burden of establishing there were no material issues of fact by showing that single issue was whether charge was a tax.

- Storm water drainage fees were valid charge for particular service, and not a tax involving an enforced contribution to provide for support of government. KRS 76.090.

- Special service charge for flood and storm water drainage services did not violate statute and State Constitution by being nonuniform, when commercial property was charged \$1.75 per 2,500 square feet of impervious surface and residential property was charged flat \$1.75. KRS 76.090, 76.090(1)(d). (2); Const. § 3.

Laurence J. Zielke, Lawrence L. Pedley, Michael W. Lowe, Frank G. Simpson, III, Louisville, for Louisville and Jefferson County Metropolitan Sewer Dist., and Comprehensive Storm Water Drainage Authority.

James K. McCrorey, N. Scott Lilly,
Louisville, for Fiscal Court of Jefferson
County, Ky.

Winston E. King, J. David Morris, Louisville, for City of Louisville.

This is an appeal from a judgment entered by the Jefferson Circuit Court. Appellants contend that the court erred by granting a summary judgment, by adjudging that a certain drainage charge collected by appellees is not a tax, by adjudging that the charge does not violate KRS 76.090 and by failing to certify this action as a class action. We disagree with all of appellants' contentions. Hence, we affirm.

On October 5, 1987, appellants filed a declaratory judgment action challenging the constitutionality of a "service charge" imposed to fund the storm water drainage program developed by Louisville and Jefferson County Metropolitan Sewer District (MSD) in cooperation with the city of Louisville and Jefferson County. The charge, which was implemented on January 1, 1987, is \$1.75 per month for single and two family residences and \$1.75 per 2,500 square feet of impervious surface for commercial and industrial property.

The comprehensive county-wide drainage program was the culmination of several years of public hearings, enactment of rate schedules, annexations, ordinances and resolutions. In 1984 MSD appointed a committee to develop a plan and finance package to address water quality issues in Louisville and Jefferson County. In its final report, the committee proposed the establishment of a single authority to be responsible for maintaining and improving the county's storm water drainage facilities with revenues for its operation to be derived from user fees. Thereafter, pursuant to the Interlocal Cooperation Act, KRS 65-210, 1990, the city of Louisville and Jefferson County transferred custodianship of their drainage facilities to MSD, and MSD was designated as the responsible agency for flood and storm water drainage services.¹

1. Legislation (Senate Bill No. 377) was introduced before the 1986 General Assembly to streamline the process for making MSD responsible for a county-wide drainage program. This would have avoided the necessity of MSD having

Appellants sought as a class action, pending further developments, a summary judgment. On April 28, 1983, the court, on May 9 entered an order in favor of the city of County. The charge collected for services was not in the opinion of the users of the service and that the charge was not a reasonable application. Further, the court determined that appellants, the association, Inc., had not shown that this appeal followed.

[1] First, appellate court's summary of the facts and inappropiate use of the word "appellants" suggested that the appellants denied their motion for summary judgment. In answer to certain issues, the court established issues of fact, exclusive possession of the property on the other hand. At the time it filed a summary judgment, on January 1, 1967, the initial burden of proof was on the appellant to prove the non-existence of a fact," *Mooser v. Mooser*, 355, 357 (1967), a summary judgment on appellate evidence. We agree.

In granting summary judgment, the court determined that the showing of a large material fact on consideration." *Shield of Kentucky App.*, 718 S.W.2d. To see it, the crucial the service char tax. Although have existed, the vant or essential

issue. We conclude, therefore, that summary judgment was proper.

[2] Next, appellants argue that the court erred by adjudging that MSD's service charge is not a tax. We disagree. There is no dispute that pursuant to KRS 76.090 MSD can establish and impose charges for services rendered. However, MSD has no power to levy taxes. KRS 76.140. Indeed, taxation is a legislative function which if delegated to MSD would violate Sections 27 and 28 of the Kentucky Constitution. Therefore, if MSD's drainage charge is determined to be a tax, it must be adjudged to be illegal.

A tax is universally defined as an enforced contribution to provide for the support of government, whereas a fee is a charge for a particular service. *Dickson v. Jefferson County Board of Education*, 311 Ky. 781, 225 S.W.2d 672 (1950). Appellants contend that MSD's charge has no rational relationship to a benefit received and, therefore, is a tax.

MSD was created under an enabling act. Acts of 1946, Ch. 104, now Chapter 76, in *Veal v. Louisville and Jefferson County Metropolitan Sewer District*, 303 Ky. 248, 197 S.W.2d 413, 418 (1946), the supreme court held the Act to be constitutional and stated that "the Act provides for no tax whatever. Charges for sewer service are not taxes any more than are bridge tolls or water rents." Although the court in *Veal* was concerned only with sewer charges, it nevertheless upheld the constitutionality of the Act which provides for the district "[t]o have jurisdiction, control, possession, and supervision of the existing sewer and drainage system." KRS 76.080. Rates, rentals and charges are governed by KRS 76.090(1) which provides that "[t]he district may establish a schedule of rates, rentals and charges, to be collected from all the real property within the district area served by the facilities of the district. . . ." Furthermore, KRS 76.100 provides that the district has the duty "to rehabilitate, construct, improve and extend any sewer and drainage systems. . . ." (Emphasis added.)

Appellants dismiss the cases relied on by appellees and the court as being of little benefit because they are cases in which sewer fees, not drainage fees, were upheld. Appellants contend that the benefits derived from sewers are capable of accurate measurement and are clearly different from the benefits derived from storm water drainage facilities, which they allege are incapable of measurement. Appellants urge that the benefit from the drainage system is an indirect benefit, similar to the indirect benefit citizens receive from fire protection, and therefore that the charge imposed by MSD is a tax in disguise.

Further, appellants argue that there are some property owners who receive no benefit from the plan because they have constructed their own system or because the storm water run off drains from their property directly into the Ohio River. However, similar arguments were presented and rejected in *Curtis v. Louisville and Jefferson County Metropolitan Sewer District*, Ky., 311 S.W.2d 378 (1958), where property owners argued that KRS 76.260 (which was later repealed) was unconstitutional because it established a conclusive presumption that all land within a designated surface drainage improvement area would receive some benefit. Because some property was at an elevation high enough to provide a vested right to the free flow of surface water, property owners argued that such property could not be benefited by the improvement. The court disagreed.

We think that in the case of a surface drainage improvement area, any property that geographically is a part of the watershed or drainage basin may properly be considered to be benefited by the project through the general improvement of conditions of health, comfort and convenience in the area and the resulting general enhancement of values in the area. The circuit court held that all property in the area could be deemed to be benefited, and we affirm that holding. *Id.* at 382.

Appellants rely heavily on *West Tennessee Flood Control & Soil Conservation District v. Wyntz*, 193 Tenn. 555, 247

S.W.2d 56 (1952), to support their contention that MSD's drainage plan is unconstitutional. In *Wyatt* the Supreme Court of Tennessee struck down as unconstitutional a statute which provided for the appointment of a commission to manage and control the West Tennessee Flood Control and Soil Conservation District and authorized the commission to make "special assessments" against the land within the district which was benefited and "to provide revenue for the operation of said District." *Id.* 247 S.W.2d at 57. Pursuant to this statute, the commissioners levied a charge of fifty cents per acre for the year 1950 upon lands located within the drainage area. The landowners sued. The court held that the statute was an unlawful delegation of the taxing power because the statute provided that the assessment could be used for general purposes or for a purpose which bears no relation to projects designed to benefit lands lying within a particular drainage district. Similarly appellants maintain that revenue raised from MSD's drainage charge is used for general government functions, not to benefit the land sustaining the burden. We find nothing in the record to support this contention, however. Appellees, on the other hand, cite us to two cases wherein drainage charges similar to the charge imposed by MSD were upheld. *Teter v. Clark County*, 104 Wash.2d 227, 704 P.2d 1171 (1985); *Zeisinger v. City and County of Denver*, 724 P.2d 1856 (Colo. 1986).

Since Chapter 76 clearly gives MSD express authority to impose a service charge to fund its comprehensive county-wide drainage system, and our supreme court has held Chapter 76 to be constitutional in all respects, *Wyatt, supra*, we affirm the trial court's ruling that the charge at issue is not a tax.

[3] Next, appellants argue that the service charge is not uniform and therefore violates KRS 76.090 and the equal protection clause of the Constitution. KRS 76.090(1)(d) provides that the schedule of rates, rentals, and charges "may be determined by the district on any basis or classification which the district determines to be

fair and reasonable. . . . Similar to . . . 090(a-c) . . . uniform for . . . addition, K . . . schedules . . . by failing v

Appellants charge would owner pay a of impermiss MSD's serv classes of p two family B being all basis for th MSD was th or equivalent imprevise family rely by MSD in charges for charges \$11.7 each single ESU per 2.5 surface for erty. Contr we agree wi reasonable at that it is unli ty.

Indeed, in County MS Son, 307 Ky similar case, MSD could p ers outside charged for ("A) system a natural and cal relation of the author of the principle Id. 211 S.W.2 at 1359-60.

Lastly, apperred in failin class action. 10, 1987, the denied appell action as a c allow the def

§ 18-16-102(3), 8 C.R.S. (1985 Supp.) (emphasis added). The defendant claims the statute is vague as to whether his conduct was criminal. He objects particularly to the modifying phrases "but not limited to" and "precious or semiprecious metals or stones" contained within the definition of "valuable article" under section 18-16-102(7)(a). Similarly, the defendant objects to the phrases "such metals as" and "not limited to" contained within the definition of "precious or semiprecious metals or stones" under section 18-16-102(3).

[2] The defendant was charged with not adequately identifying pieces of silver. Silver is specifically enumerated as a precious or semiprecious metal which in turn is contained within the definition of a valuable article. Accordingly, we hold that the trial court erred when it ruled that the term, "valuable article" under section 18-102(7)(a), 8 C.R.S. (1985 Supp.), was not adequately defined as to the defendant. We hold that the criminality of the defendant's conduct was left to subjective interpretation of law by the jury. Agents. The statute clearly gave the defendant adequate warning that the purchase of silver items was a metal within the scope of the statute's record-keeping and reporting requirements.

III.

[3.4] The defendant's challenge to the term "reasonable time" in section 18-16-105(3) is clearly precluded by the general rule that constitutional challenges to statutes or portions of statutes will not be considered if raised by a party not affected by the alleged defects. *People v. Kibel*, 701 P.2d 87 (Colo.1985); *People v. Brown*, 632 P.2d 1025 (Colo.1981); *People v. Tumbarello*, 623 P.2d 46 (Colo.1981). Section 18-16-105(3) formed no part of the basis for the prosecution of the defendant. Nor does this case present any circumstances that would bring the defendant's challenge to the term "reasonable time" within one of the limited exceptions to the general rule. *Cf. People v. Tooley v. 735 East Colfax*, 697 P.2d 348 (Colo.1985) (In amendment cases, party may assert invalidity of statute that might chill constitutionally protected expression of others, even

though statute could be constitutionally applied to party before the court).

Section 105 provides that the purchaser of valuable articles shall keep a register that shall contain the records of certain specified information, and the register shall be made available "(3)... to any peace officer for inspection at any reasonable time." The defendant was not charged with having denied a peace officer's access to his register, and, therefore, the defendant does not have standing to challenge that portion of the Act.

In conclusion, the defendant does not have standing to challenge provisions of the statute under which he is not charged.

Judgment is reversed, and the trial court is ordered to reinstate the counts against the defendant.



Morris ZELINGER and Thelma Zelinger, David Goldstein and Sylvia Goldstein; General Air Service & Supply; Wazez Electric Co.; Advance Neon Sign Company; Abe L. Hoffman and Florence Hoffman; Denver Motel Enterprises, Inc.; by themselves and on behalf of all other persons similarly situated, Plaintiffs-Appellants,

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The CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado; the City Council of the City and County of Denver and its Members, Individually and as Council-Persons; and Harold V. Cook, as Manager of Public Works of said City and County of Denver, Defendants-Appellees.

No. 84SA508.

Supreme Court of Colorado,
En Banc.

Sent. 8. 1986.

Class of property owners appealed decision of the District Court, City and County

of Denver, Daniel B. Sparr, J., upholding constitutionality of city ordinance. The Supreme Court, Vollack, J., held that: (1) storm drainage service charge was special assessment and not tax, and (2) storm drainage service charge scheme did not violate equal protection.

Affirmed.

1. Taxation & I

"Ad valorem property taxes" are intended to raise revenue to defray general expenses of taxing entity.

See publication Words and Phrases for other judicial constructions and definitions.

2. Taxation ⚡40(2)

Special assessments are not included within coverage of uniformity of taxation clause of Constitution. Const. Art. 10, § 3.

3. Municipal Corporations 495

"Special assessments" are charges imposed for purpose of financing local improvements, and to qualify as special assessment charge must be directed against users of improvement, and revenue derived from charge must be applied only to maintenance, operation, or development of improvement.

See publication Words and Phrases for other judicial constructions and definitions.

4. Taxation §49(2)

Storm drainage service charge which did not raise revenue for general municipal purposes as sole or principal objective was special assessment not subject to uniformity of taxation requirement of Constitution where use of funds raised was restricted by applicable ordinance. Const. Art. 10, § 3.

5. Municipal Corporations 6712

Standard of review in determining whether storm drainage service charge ordinance was constitutional was rational-basis test where ordinance neither adversely affected fundamental right or disadvantaged suspect class, and where governmental interest in maintaining and improving

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6. Constitut

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7. Municip

Use of surface in city-own property charges was drainage cost to legitimate generating, making city's a though pro amount of i be sole det service char

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Plaintiffs
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ty of the Capital Ordinance [hereinafter "The ordinance"]. The plaintiff, who maintains facilities and therefor, seeks protection of property of the Ordinance tax. We court.

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property in the County to pay for the operation, maintenance, improvement and replacement of the City's storm drainage facilities. The charge is based on the ratio of impervious to pervious land surface. Impervious surface is surface which has been improved so it no longer absorbs and delays rainfall runoff. The higher the ratio of impervious to pervious surface, the greater the charge per square foot.¹ The Ordinance also sets a minimum service charge of \$3.70 for each lot on which there is impervious surface.

Plaintiffs-appellants are owners of residential and commercial properties within the City and County of Denver. They appear on behalf of themselves and other similarly situated property owners who have paid, or may be required to pay, storm drainage charges pursuant to the Ordinance. The trial court certified this matter as a class action, and notice was given by publication. None of the parties disputed any issues of fact and, pursuant to stipulation, the trial court treated the matter as if cross motions for summary judgment had been filed based upon a purely facial challenge to the Ordinance.

The trial court held that the Ordinance was rationally related to a legitimate state purpose of financing the maintenance and construction of new storm sewers. It also held that the Ordinance was a service charge and not an unconstitutional tax. We affirm.

II.

(1) The plaintiffs argue that the storm drainage service charge is a nonuniform

1. Depending on the ratio of impervious to pervious land surfaces, the Ordinance places properties in one of ten "ratio groups." Correlated with each ratio group is a charge for each one hundred square feet of impervious surface on the property. The method for calculating the charge thus involves 1) determining the ratio of impervious to pervious surface on a parcel of land; 2) assigning the parcel to the appropriate ratio group; and 3) multiplying the drainage service charge per one hundred square feet by the number of one hundred square foot units of impervious surface on the property. § 5-3. The ratio groups and their associated charges are set out in section .6 as follows:

tax in violation of article X, section 3, of the Colorado Constitution, which provides that "[a]ll taxes shall be uniform upon each of the various classes of real and personal property located within the territorial limits of the authority levying the tax...." We have long recognized that the uniformity requirement of article X, section 3 applies only to ad valorem property taxes. See, e.g., *Cherry Hills Farms, Inc. v. City of Cherry Hills Village*, 670 P.2d 179 (Colo. 1983); *Ochs v. Town of Hot Sulphur Springs*, 158 Colo. 456, 407 P.2d 677 (1965); *Public Utilities Commission v. Manley*, 99 Colo. 153, 60 P.2d 913 (1936); *Denver City Railway v. City of Denver*, 21 Colo. 350, 41 P. 825 (1895). A hallmark of such taxes is that they are intended to raise revenue to defray the general expenses of the taxing entity. See *Ochs*, 158 Colo. at 460, 407 P.2d at 679-80; *Western Heights Land Corp. v. City of Fort Collins*, 146 Colo. 464, 362 P.2d 165 (1961).

(2, 3) "Special assessments" are not included within the coverage of the uniformity clause of article X, section 3. Special assessments are charges imposed for the purpose of financing local improvements. To qualify as a special assessment, a charge must be directed against the users of an improvement, and the revenue derived from the charge must be applied only to the maintenance, operation, or development of the improvement. See *Renns v. City of Grand Junction*, 676 P.2d 1189 (Colo.1984); *Ochs*, 158 Colo. at 460, 407 P.2d at 679-80.

In *Loup-Miller Const. Co. v. City and County of Denver*, 676 P.2d 1170 (Colo.

Ratio Group	Rate of Charge (Per 100 square feet of impervious surface)
0 to .10	\$0.37
.11 to .20	0.47
.21 to .30	0.57
.31 to .40	0.67
.41 to .50	0.77
.51 to .60	0.87
.61 to .70	0.97
.71 to .80	1.07
.81 to .90	1.17
.91 to 1.00	1.27

1984), we held that the sanitary sewer charge "ordinances did not impose taxes, but net fees, as authorized by section 31-36-402(1)(f), C.R.S. (1977, Repl. Vol. 12) and section C4.12 of the Denver Charter. ("The council shall fix the rates for the service to be rendered by each such public utility....") *Id.* at 1175-76. Here, the City of Denver relies on precisely the same statute and charter provision as was relied upon in *Loup-Miller*. In *City of Arvada v. City and County of Denver*, 663 P.2d 611 (Colo.1983), we held that while the imposition of a development fee as such was not authorized in section 31-36-402(1)(f), 12 C.R.S. (1977), such a charge was within the general contemplation of this "broadly worded statute." *Id.* at 614. Furthermore, we stated that:

[T]he General Assembly intended to give municipalities broad, general powers to construct, improve and extend all the facilities necessary to operate a viable water system, and that this power includes authorization to accumulate a fund for future development. There is no indication that municipalities are limited to the use of revenue bonds to finance future acquisition and construction.

Id. at 615.

The Ordinance in question does not raise revenue for general municipal purposes as a sole or principal objective. The use of funds raised by the storm drainage service charge is restricted by the following language in the Ordinance:

12-1. All fees and charges paid and collected pursuant to this Article shall be segregated, credited and deposited in a special fund or funds, and shall not be transferred therefrom to any other account of the City, except to pay for expenses directly attributable to storm drainage activities.

12-2. The fees and charges paid and collected by virtue of this article shall not be used for general or other governmental or proprietary purposes of the City, except to pay for the equitable share of the costs of accounting,

management, and maintenance. Instead, the fees shall be used, other than for repair, maintenance, renewal, replacement, or storm drainage, for the costs incurred by the City.

Ordinance at 12-1.

(4) We hold that the storm drainage service charge is

(5) Plaintiffs argue that the Ordinance is an equal protection problem because it focuses on the owners with equipment on their surface on their different service ratio of impervious to pervious surface, as the ratio groupings are the same charge for each parcel of land of impervious to pervious surface. Plaintiffs contend that the Ordinance is therefore arbitrary. The minimum fee on similar ground review used to challenge, see, e.g., *City of Denver v. Board of Equalization*, 41 Colo.1984, is the standard is the classification established in neither adverse right or disadvantage does it implicate the "intermediate" test, e.g., *Craig v. Board of Equalization*, 451, 50 L.Ed.2d 1011, 394 U.S. 1215, 88 S.Ct. 1462, 1968 must be sustained. In fact and heavy legitimate governmental concern, Board of Com-

847 (Colo.1984).¹ The governmental interest in maintaining and improving storm drainage facilities in Denver is unquestioned.

The possibility that some landowners with the same amount of impervious land surface on their property will be assessed different charges is not an anomalous consequence of the fee scheme. Rather, the differential charges are the intended result of a fee schedule premised on the recognition by experts that while total impervious surface area is a good indicator of the amount of water that can be expected to reach the storm drain system after a storm, because of the capacity of pervious land surface to absorb water, the ratio of impervious to pervious surface is a more accurate indicator of storm drainage costs associated with a particular parcel of land.

[6,7] The plaintiffs urge that the amount of impervious land surface should be the sole determinant of a storm drainage service charge. They also assert that adjustments to the service charge scheme could reflect more closely differences in the ratio of impervious to pervious land surface, as well as other relevant differences among parcels of land. However, although alternative cost allocation schemes may be equally well-suited or arguably better suited to serving the governmental interest in providing storm drainage facilities than the scheme actually adopted, the equal protection clauses do not authorize the invalidation of the scheme chosen unless it is without rational foundation. See *Loup-Miller*, 676 P.2d 1170. We conclude the Ordinance is rationally related to the legitimate governmental interest of operating, maintaining, improving and replacing the City's storm drainage facilities. The Ordinance does not violate equal protection of the laws.

Judgment affirmed.

1. For purposes of resolving the question presented here, the requirements of due process are coextensive with those of equal protection.

Charles and Patricia FORTSYTH,
Plaintiffs-Appellees,

v.

ASSOCIATED GROCERS OF COLORADO, INC., and A.G. Investment Company, Defendants-Appellants.

No. 82CA1331.

Colorado Court of Appeals,
Div. III.

Jan. 2, 1986.

Rehearings Denied Feb. 18, 1986.

Certiorari Denied Sept. 15, 1986.

Grocer brought action for deceit by misrepresentation against cooperative which recommended purchase of store which failed. The District Court, City and County of Denver, Susan Barnes and Roger Cisneros, JJ., entered judgment on jury verdict in favor of grocer and cooperative appealed. The Court of Appeals, Van Cise, J., held that: (1) finding of deceit by misrepresentation was sufficiently supported by evidence; (2) grocer was proper party to assert deceit claim though grocer's corporation purchased store; (3) grocer did not rescind his contract with seller of store; (4) any procedural errors pertaining to damages were rendered moot when court set aside jury's award and ordered new trial on damages issue; (5) expert testimony based partly on inadmissible evidence, if error, was harmless; (6) jury instruction was erroneous in that it may have misled jury into awarding improper double recovery; and (7) cooperative was entitled to setoff against grocer's deceit judgment for amounts of other defendants' settlements with grocer and amount owed to cooperative by grocer.

Affirmed in part, reversed in part, and cause remanded with directions.

See *Chippie v. State Personnel Board*, 622 P.2d 527 (Colo.1981).

1. Fraud ¶50

In order for grocer to recover from cooperative which recommended grocer purchase store which later failed, on theory of deceit by misrepresentation, grocer must prove that: cooperative made false representation of past or present facts; fact was material; cooperative made representation knowing it to be false or being aware that it did not know whether it was true or false; cooperative made representation with intent that grocer act in reliance on representation; grocer relied on representation; grocer's reliance was justified; and this reliance caused damage to grocer.

2. Fraud ¶58(1)

Finding that cooperative which recommended to grocer that he buy store which later failed was liable to grocer for deceit by misrepresentation was sufficiently supported by evidence which included cooperative's knowing use of prior sales figures without regard to truth or falsity and no showing that grocer knew or should have known that information was false or that his reliance was unreasonable.

3. Fraud ¶29

Grocer was proper party to assert claim of deceit by misrepresentation against cooperative which recommended that grocer purchase store which later failed, in that misrepresentations were made to grocer and grocer suffered financial loss, though store was actually purchased by grocer's corporation.

4. Sales ¶127

Grocer did not rescind his store purchase contract with seller when he turned over business to bank which had loaned him purchase money and had security interest in assets.

6. Appeal and Error ¶1050.1(12)

Admission of expert testimony as to actual value of business at time of purchase based partly on prior sales data contained in notebook which had been ruled inadmissible, if error, was harmless in that it was not disputed that business had been substantially overvalued.

6. Fraud ¶55

Evidence would have been represented by deceit by misrepresentation, if it had been ascertained that only fixtures were sold, without interruption in new management.

7. Fraud ¶58(1)

Jury instruction in deceit by misrepresentation which required that grocer's claim be based on actual loss, including lost potential damages, its being included in value of business, and thus, rule and thus, recovery.

8. Damages ¶1050.1(12)

Cooperative against grocer amounts paid to bank for release of their same as that of cooperative 105(1)(a).

10. Set-Off ¶1050.1(12)

Cooperative against grocer amounts due on cooperative's operation.

Cox, Wedgwood, C.S. Cox, Richmond, Denver, Kelly, Stansbury, W. Bryans, Dorsey, Carver, Denver, for

Before RICHARDSON, P.J., and WARDEN and NEWMAN, JJ.

PER CURIAM.

Defendant appeals his conviction for robbery in the first degree. He contends that the court erred in admitting evidence respecting his participation in two other robberies and in imposing a mandatory minimum sentence in accordance with ORS 161.610. We conclude that the court did not err in admitting the evidence and affirm the conviction.

The state concedes that the court erred in imposing a mandatory minimum term of

imprisonment, because there was no jury finding or admission by the defendant that he personally had used a gun in commission of the crime. See *State v. Wedge*, 293 Or. 598, 652 P.2d 773 (1982).

Conviction affirmed; judgment modified to delete five-year minimum imposed pursuant to ORS 161.610.



104 Wash.2d 227

Kenneth E. TETER, Elmer Kaupflia, Frank L. Akerliff, Ira Knapp, Pete Rogers, Dave Sarsa, Irene Larson, Sally Ross, Garver Gray, Joe Gesler, W.R. Wilson, Pete Van Den Bosch, Waldo Olson (Evergreen Airport), Jack Johnson, Theron Farris, John Mroczek, Dorothy Douglas, Dennis Hall, Myrth Hoyer, Dave Alheidings, Byron Alheidings, Evergreen Memorial Gardens, Inc., James Coley, Gene Sorenson, Paul Barbeau, Charles Poil, James J. Powers, Ornel N. Kelly, P.L. Johnigan, Marion Nugent, Lloyd B. Tucker, Joe Stanker and Elmer Anderson, Appellants,

v.

CLARK COUNTY, Washington, a municipal corporation, and the City of Vancouver, Washington, USA, a municipal corporation, Respondents.

No. 51173-0.

Supreme Court of Washington,
En Banc.

Aug. 8, 1985.

Property owners brought action for declaratory judgment, challenging under State and Federal Constitutions right of city and county to impose charges on them for maintaining and operating storm water control facilities. The Superior Court, Clark County, John M. Skimas, J., granted city and county's motion for summary judgment as to constitutionality of charges and validity of method used to compute them. Property owners appealed. The Supreme Court accepted appeal as administrative transfer from Division Two of the Court of Appeals, and Pearson, J., held that: (1) city had statutory authority under statute authorizing city to form and operate system of sewerage to impose charges under its police power, with "special benefit" requirement not applying; (2) county had authority to impose such charges under statute permitting it to fix rates and charges for those who contribute to increase of surface water runoff under its

police power, with "special benefit" requirement not applying; (3) termination of charges arbitrary or capricious; (4) schedule bore reasonable relation to (5) even if charges were both statute uniform, and were

Affirmed.

1. Municipal Corporation.

Special assessments charged against property benefited by project. Art. 7, § 9.

2. Municipal Corporation.

Charges imposed 35.67.010(3), which impose surface sewers in sewer are authorized to for West's RCWA 35.67 that rates and charges same class of customer not "special assessments" RCWA Const. Art. 7, special assessments to be property benefited.

3. Municipal Corporation.

City had statute West's RCWA 35.67, imposing city to form and sewerage, to impose owners for such system power.

4. Counties <107

West's RCWA 35.67, imposing counties to establish, and construct storm water, grants counties authority management system.

5. Constitutional Law.

"Police power" is to compass all laws health, peace, moral order, and welfare of population being that laws

to correct some evil or promote some interest of state.

6. Levees and Flood Control §1

Cleanup by city and county of creek and lake, along with measures to prevent flooding in entire drainage basin, are within definition of "police power" as health, safety, or welfare measures.

See publication Words and Phrases for other judicial constructions and definitions.

7. Municipal Corporations §712

Charges imposed on property owners whose property lies within drainage basin to maintain and operate storm water control facilities were properly characterized as charges imposed to implement health or safety law, and were valid under the police power, even though property owners did not receive any specific service, where charges were imposed pursuant to West's RCWA 36.89.080, requiring that all charges collected be deposited in special fund to be used only to pay costs of maintaining and operating storm water control facilities. West's RCWA 36.89.010 et seq.

8. Constitutional Law §48(4)

Where court is asked to review legislative decision, applicable standard of review is "arbitrary and capricious" test.

9. Constitutional Law §48(1)

Legislative determination will be sustained if court can reasonably conceive of any state of facts to justify that determination.

10. Municipal Corporations §694(2)

To be void for unreasonableness, ordinance or resolution must be "clearly and plainly" unreasonable.

11. Counties §107

Municipal Corporations §712

Property owners, who were objecting to imposition of charges by city and county for maintaining and operating storm water control facilities, had heavy burden of proof that city and county's actions were willful and unreasonable, without regard for facts and circumstances, to void charges on grounds legislative determinations were

not made in reasonable manner. West's RCWA 36.87.010 et seq., 36.89.010 et seq.

12. Counties §107

Municipal Corporations §712

Legislative determination of charges to be imposed on property owners for costs of maintaining and operating storm water control facilities were not made in arbitrary or capricious manner, without regard to facts and circumstances, where city and county considered specific contours of properties involved, utilized both standard engineering knowledge and engineering studies of specific area, performed in-field verification of drainage basin boundaries and water flow in arriving at determination that property owners' properties contributed to increased surface water runoff, and passed resolutions involving charges at open meetings of county commissioners. West's RCWA 36.87.010 et seq., 36.89.010 et seq.

13. Counties §107

Municipal Corporations §712

Affidavits of property owners as to whether their properties actually contributed to increased surface water runoff had no bearing on reasonableness of city and county's decision-making process in determining upon which properties charges for costs of maintaining and operating storm water control facilities should be imposed, where affidavits were made several years after decision-making process and did not form part of data considered by city and county in making their decision; thus, property owners' affidavits were not relevant to Supreme Court review of determination. West's RCWA 36.87.010 et seq., 36.89.010 et seq.

14. Municipal Corporations §712

Property owners bear burden of proof that rates imposed by city and county upon them for costs of maintaining and operating storm water control facilities were unreasonable. West's RCWA 36.87.010 et seq., 36.89.010 et seq.

15. Counties §107

Municipal Corporations §712

Rates imposed on property owners by county and city for costs of maintaining and operating storm water control facilities are presumptively reasonable, and rates will be sustained unless it appears, from all circumstances, that they are excessive and disproportionate to services rendered. West's RCWA 36.87.010 et seq., 36.89.010 et seq.

16. Constitutional Law §48(4)

"Arbitrary," for purposes of determining whether legislative determination was "arbitrary and capricious" on review by court, is willful and unreasoning action, without consideration and regard for facts or circumstances.

See publication Words and Phrases for other judicial constructions and definitions.

17. Counties §107

Municipal Corporations §712

Rate schedule of charges imposed on property owners by city and county for costs of maintaining and operating storm water control facilities bore reasonable relation to contribution of each lot to surface runoff, where charges were based on varying intensities of use of properties and relationship of that use to surface and sub-surface water collection, with owners of single-family residence lots paying same rate, and owners of lots with more impervious surface, e.g., industrial, commercial, being charged more, depending on size of lot. West's RCWA 36.87.010 et seq., 36.89.010 et seq.

18. Counties §107

Municipal Corporations §712

City and county were not required to measure each residential lot to ascertain exact amount of impervious surface on each one to impose charges on property owners for costs of maintaining and operating storm water control facilities. West's RCWA 36.87.010 et seq., 36.89.010 et seq.

19. Municipal Corporations §712

Absolute uniformity in rates charged property owners for costs of operating and

maintaining storm water control facilities not required. West's RCWA 36.89.010 et seq.

20. Municipal Corporations §712

Rates charged each property owner for costs of maintaining and operating storm water control facilities may be charged differently, where RCWA 36.87.010 et seq., 36.89.010 et seq.

21. Municipal Corporations §712

Only practical basis for determining rates charged property owners for costs of maintaining storm water control facilities is based on surface runoff and mathematical precision. West's RCWA 36.87.010 et seq., 36.89.010 et seq.

22. Municipal Corporations §712

County did not act arbitrarily in setting rates for storm water control facilities where county submitted schedule which showed rates for each single-family residence lot were not excessive nor did rates vary. West's RCWA 36.87.010 et seq., 36.89.010 et seq.

23. Municipal Corporations §712

If charges for maintaining storm water control facilities tend to raise money, they are not unreasonable. West's RCWA 36.87.010 et seq., 36.89.010 et seq.

24. Municipal Corporations §712

Charges imposed on property owners for costs of maintaining and operating storm water control facilities are not "taxes," where principle of resolution and city and county in both that resolution and in management, however, of storm water control facilities, port stated county for drainage area

and private actions in basin. West's RCWA 35.67.010 et seq., 35.69.010 et seq.

25. Municipal Corporations 9962

Even if charges imposed on property owners for costs of operating and maintaining storm water control facilities were actually "taxes," charges would not be automatically invalid. West's RCWA 35.67.010 et seq., 35.69.010 et seq.

26. Taxation 44

If charges imposed upon property owners for costs of maintaining and operating storm water control facilities were characterized as authorized taxes, charges had to be uniform. West's RCWA Const. Art. 7, § 1 as amended by Amend. 14.

27. Taxation 40(1)

If system of charges is administered in systematic, nondiscriminatory manner, it meets requirement of West's RCWA Const. Art. 7, § 1 as amended by Amend. 14, that taxes be uniform.

28. Municipal Corporations 9962 Taxation 44

Charges imposed on property owners for costs of maintaining and operating storm water control facilities were both statutorily authorized and uniform, for purposes of upholding their validity if they were characterized as "taxes," where charges imposed were uniform as to each member of each category (industrial, commercial, single-family residential) and were based on engineering studies and averages relating to water runoff from various types of property. West's RCWA 35.67.010 et seq., 35.69.010 et seq.; West's RCWA Const. Art. 7, § 1 as amended by Amend. 14.

R. DeWitt Jones, Vancouver, for appellants.

Arthur Curtin, Clark County Prosecutor, Richard S. Lowry, Deputy County Prosecutor, Jerry King, City Atty., Vancouver, for respondents.

PEARSON, Justice.

The primary issue in this case is whether the charges imposed upon appellants by respondents to finance respondents' water management department are unconstitutional where appellants' properties do not receive any "special benefit" from the water management activities. A related issue is whether respondents' legislative determination that appellants' properties are located within the Burnt Bridge Creek drainage basin and contribute to an increase in surface water runoff is arbitrary and capricious. The final issue is whether respondents acted arbitrarily or capriciously in computing the rates and charges to be assessed against appellants' properties.

We hold that the "special benefit" requirement of article 7, section 9 of the Washington Constitution does not apply to rates or charges established pursuant to RCW 35.69.030 or RCW 35.67. We further hold that respondents did not act arbitrarily or capriciously in determining which properties should be charged for the water management program nor in computing the charges. We therefore affirm the trial court in every respect.

The Burnt Bridge Creek drainage basin is an approximately 27-square-mile area, partly in Clark County and partly in the city of Vancouver. In the past 30 years, much residential and light industrial-commercial development has occurred in this area. As the area developed, several storm sewer and sanitary sewer projects were completed; however, a large number of septic tanks were also permitted by the City and County.

As early as 1966, engineering studies showed that the danger of flooding and pollution in Burnt Bridge Creek, which flows into Lake Vancouver, was increasing as the development in the area progressed. Later engineering studies showed that the flooding and pollution problems throughout the entire drainage basin were worsening.

The County and City responded to these problems. In 1978, Clark County adopted two resolutions, pursuant to RCW 35.69, which formed a storm and surface water

department for management of the entire Burnt Bridge Creek drainage basin. The County's preexisting water control facilities were made a part of the new water department by the resolutions. Similarly, the City of Vancouver passed an ordinance, pursuant to RCW 35.67, which created a storm and surface water utility and transferred all preexisting water control facilities to that new utility.

The County and City then entered into an interlocal agreement, pursuant to RCW 39.34, authorizing joint operation, management, and financing of the newly formed water department or utility. The County was designated to be the principal operator of the joint water utility.

The County subsequently adopted another ordinance, pursuant to RCW 35.69.030, which set the charges to be paid by property owners whose property lies within the drainage basin. Appellants' property is so situated. However, because appellants refused to pay the charges, respondents placed liens upon their properties, pursuant to RCW 35.69.090. Appellants brought an action for declaratory judgment, challenging, under the state and federal constitutions, the right of the respondents to impose the charges. Appellants also challenged the method used by respondents to compute the charges.

Both parties moved for summary judgment. The trial court granted respondents' motion as to the constitutionality of the charges and as to the validity of the method used to compute the charges. Appellants appealed; this court accepted the appeal as an administrative transfer from Division Two of the Court of Appeals.

Appellants do not challenge that the City and County had statutory authority to form the water department. Rather, appellants challenge the inclusion of their properties among those which are to be charged for the operation of the department. Because their properties do not border on Burnt Bridge Creek, appellants argue that they do not specially benefit from the flood

control services of the department. Furthermore, appellants argue that they contribute to the problem. Appellants finally argue that they do not contribute to surface water runoff.

Therefore, appellants challenge the charges imposed by Const. art. 7, § 9, w.

SPECIAL ASSESSMENT FOR LOCALITY
The legislature may authorize local authorities of cities with power to make by special assessment of property but rates purposes, all may be vested with and collect taxes uniform in respect within the jurisdiction levying the same.

[1, 2] Appellants' special assessment against property was by the project. *Rural Library Dis.* 404 P.2d 453 (1965) special assessment

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However, an exa-
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be uniform for the same class of customers or service. RCW 35.67.020.

That statute's predecessor, which was worded identically to the current law, was construed by this court in *Morse v. Wase*, 37 Wash.2d 806, 226 P.2d 214 (1951). In that case, the city built new additions to an old sewer system. The property owners who had already paid for the original sewers objected to paying for the additions, which would only serve new users and would be of no benefit to them. This court held that the statute authorizes the city to act under its police power and that the concept of special benefits was not relevant in that case.

The whole concept underlying (RCW 35.67) *et seq.*, is different from that of the local improvement district plan. Under these statutes, the city acts pursuant to the police power granted to it to provide sewer service to protect the health of its inhabitants and to defray the expense by making service charges. The special benefit idea does not enter into the picture at all. We have examined the cases cited by appellants. They are of no aid in the solution of the problem now before us, as they involve assessments according to special benefits where improvements were being made pursuant to statutes providing therefor.

(Citations omitted.) *Morse*, at 810-11, 226 P.2d 214.

This court also stated in *Morse* that special assessments are not the exclusive means of financing local improvements; improvements necessary to health and safety may be authorized under the police power and paid for "other than by local assessments". *Morse*, at 813, 226 P.2d 214. In such cases, Const. art. 7, § 9 is not implicated.

[3] Clearly, in the present case the City had statutory authority under RCW 35.67 to impose the charges. Further, in *Morse*, we upheld the constitutionality of such charges even where no special benefit is created for the property owners. Thus, the next question is whether the County also had statutory authority to impose the

charges and whether those charges are constitutionally valid where no special benefit is created for appellants.

II

RCW 36.89.030 authorizes counties to "establish, acquire, develop, construct ... storm water control facilities". The statute authorizes several methods of funding: (1) issuance of general obligation bonds (RCW 36.89.040), (2) creation of utility local improvement districts and charging of special assessments (RCW 36.89.110), (3) issuance of revenue bonds (RCW 36.89.100), and (4) adoption of a resolution "fixing rates and charges for the furnishing of service to those served or receiving benefits ... or contributing to an increase of surface water runoff" (RCW 36.89.080). (Italics ours.)

Clearly, the County did not proceed under the special assessment section, RCW 36.89.110. No utility local improvement district was formed. Neither did the County proceed under methods 1 or 3 above, issuance of bonds.

[4] Rather, the County chose to proceed under the rates and charges method specified in RCW 36.89.080. That section of the statute authorizes the county to charge not only for services supplied to property owners, but also based upon contribution to increase of surface water runoff by the properties. We hold that just as RCW 36.67 grants cities the police power to operate management systems for storm sewers, RCW 36.89 similarly gives the counties such police power.

Legislative intent to give the counties such police power is found in the statute. Significantly, RCW 36.89 states as among its purposes:

The storm water control facilities within such county provide protection from storm water damage for life and property throughout the county, generally require planning and development over the entire drainage basins, and affect the

prosperity, interests and welfare of all the residents of such county.

RCW 36.89.020.

Furthermore, the resolutions passed by the County pursuant to RCW 36.89 evidence an intended exercise of the police power. Clark County Resolution 1978-09-41 states:

Clark County and ... Vancouver have ... cooperated in a joint program to implement a clean water program ... toward the control of the runoff from ... new development within the ... basin, the storage of excess runoff ... the provision of stream bank stabilization ... the creation of vegetative buffers for temperature control and habitat enhancement ... the treatment of first flush discharge from major storm drain systems ...

That resolution further states that the basin

constitutes a potential hazard to lives and property of County inhabitants, but that Burnt Bridge Creek itself and functionally related natural and man-made storm water control facilities constitute a storm water control facility ... that effective regulation and control of storm and surface water ... requires the establishment ... of a storm and surface water department ...

[5, 6] The police power is broad enough to encompass all laws tending to promote the

health, peace, morals, education, good order and welfare of the people ... (T)he only limitation upon it is that it must reasonably tend to correct some evil or promote some interest of the state ... *Markham Advertising Co., Inc. v. State*, 73 Wash.2d 405, 421-22, 439 P.2d 248 (1968) (quoting *Shea v. Olson*, 185 Wash. 143, 53 P.2d 615 (1936)). The clean up by respondents of Burnt Bridge Creek and Vancouver Lake, along with measures to prevent flooding in the entire drainage basin, are well within the definition of police power as health, safety or welfare measures.

Notably, counts in our held such charges to be as part of a general police power. In *Craig v. Macon*, 537 P.2d 1171 (Wash. 1976), the court held that charges imposed by the city for even though appellants' garbage removed by the city, retained no "service". The court held that the city's regulation, intended to protect the public health, which the city acted upon, was a police power measure. As the statute enabled the city to take measures to protect the public health, the city's action was only incidental to the scheme; the payment of the costs of that program went into general revenue because the money was for the purpose (to pay health program) the city had the right to levy.

[7] The rationale of the instant decision requires that all charges in a special fund be for the costs of maintaining a storm water control system. In *Craig*, the charges were characterized as a charge for health or safety law, though appellants claimed "service". *See* *Port, Ltd., 76 N.W.2d 1171 (1956)*. In *Hobbs v. Hobbs*, 76 N.W.2d 1171 (1956), a garbage collection or property owners for property owners did not constitute a police power. There the court found that the ordinance is a health charge, not a police power charge. Appellants received the removal of other of insects, but the city's action was a police power measure.

submitted numerous documents which show how and why the rate schedule was devised. The rate of \$15 per year for each single family residence is not so excessive nor so disproportionate to the services rendered (overall drainage basin management) as to be called arbitrary. Appellants have not been able to prove that respondents acted in a willfully unreasonable manner, without regard to facts and circumstances, by merely asserting that the rates are arbitrary because respondents did not individualize each rate.

V

Lastly, we consider the question whether these charges are actually taxes and if so, whether they are valid. We undertake this discussion as a point of clarification, since neither party has argued the question.

This court distinguished a "fee" from a "tax" in *Hillis Homes, Inc. v. Snohomish Co.*, 97 Wash.2d 804, 650 P.2d 193 (1982). In *Hillis*, the counties involved passed ordinances which imposed "fees" on new residential developments as a condition of plat approval. These fees were to be used to pay for the additional services necessitated by the new developments. Significantly, the counties acted pursuant only to the general grant of police power in Const. art. 11, § 11; the counties did not have any express statutory or constitutional authority to impose the fees.

[23] In distinguishing between a "fee" and a "tax", we stated that if charges are intended to raise money, they are actually taxes. Conversely, if the charges are primarily tools of regulation, they are not taxes. Finding that the ordinances in *Hillis* clearly provided that the fees be applied to offset costs of specific services, and that the ordinances made no provision for regulation, this court held that the fees were actually taxes. Because counties cannot

impose taxes based only on a general constitutional grant of police power and no express authority existed to tax, we held the tax invalid.

[24] Conversely, both the County resolution and the City ordinance in the present case refer to regulation and control of storm and surface waters. Furthermore, the Burnt Bridge Creek Interim Management Board Report¹ indicates that the purpose of the ordinances is regulatory, with the charges only being collected to pay for the necessary regulatory actions (e.g., runoff control ordinances, erosion control ordinances, and septic tank regulations). As further evidence of regulatory intent, the report states at page 3 that the County will "[a]dopt a single plan for the drainage area that will govern the public and private actions in the basin."

Accordingly, because the primary purpose of these ordinances is regulatory, the charges are properly characterized as "tools of regulation", rather than taxes.

[25,26] Even if the charges in the present case were actually taxes, these charges would not be automatically invalid. Unlike the situation in *Hillis*, RCW 36.89 expressly authorizes the county to impose these charges. However, if these charges are characterized as authorized taxes, the charges must be uniform as required by amendment 14 of our state constitution. That amendment states in part:

All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only.

Const. art. 7, § 1 (amend. 14).

[27] In interpreting that amendment, this court has stated that absolute uniformity in taxation is not required. If the sys-

tem is administered in a systematic, nondiscriminatory manner, it meets the requirement of amendment 14. *Sator v. Department of Rev.*, 89 Wash.2d 338, 344, 572 P.2d 1094 (1977). This court has also held that legislative bodies have broad power to classify for the purposes of taxation.

While all taxes upon persons in the same class should be equal and uniform, the question of what persons shall constitute the class is one primarily for the legislature to determine ... unless clearly arbitrary and without any reasonable basis.

Pacific N.W. Annual Conference of the United Methodist Church v. Walla Walla Co., 82 Wash.2d 138, 144, 508 P.2d 1361 (1973) (quoting *Bates v. McLeod*, 11 Wash.2d 648, 120 P.2d 472 (1941)).

[28] In the present case the rate classifications are based upon a determination that industrial, commercial, and other properties which are highly developed contribute more to water runoff, due to increased impervious surfaces, than do single family residential developments. All single family residential properties pay the same rate and the other properties pay according to a formula which applies equally to all properties in each category. The charge imposed is uniform as to each member of each category and is based on engineering studies and averages. Accordingly, even if the charges are characterized as taxes, they are both statutorily authorized and uniform, and are valid.

The order of the trial court is affirmed.

DOLLIVER, C.J., and UTTER, DORE, BRACHTENBACH, CALLOW, GOODLOE and DURHAM, JJ., concur.

ANDERSEN, J., concurs in the result.



104 Wash. 2d 1181, 724 P.2d 1181 (1986).
Donald T. HAUMAN,
guardian ad litem,
and Lydia Bauman

Robert S. CRAWFORD

No. 50

Supreme Court

En B

Aug. 8,

Suit was brought by bicyclist against not injuries sustained in collision intersection. The County, Robert M. I judgment on a jury bicyclist reduced by 9% negligence. Bicyclist of Appeals, 38 Wash. 1104, affirmed, and by Supreme Court, Pearl violation of statute by of age does not constitute per se, but ma introduced as evidence (2) violation o minor six to 16 m evidence of negligenc that reasonable childgence, maturity, and would not have acted under same circumstance was remained fo liability, new trial or not required; and (4) nor from operation doctrine would apply any case already tried for's application to trial for appeal.

Reversed and re

Brachtenbach, J., ion, in which James, loe, J., joined.

1. The Interim Management Board was created by the County and City in their Interlocal agreement of September 1979. This Board was composed of five members, two appointed by the City, two by the County, and the final member was appointed jointly by the Mayor of the City and the Chairman of the Board of County Com-

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989 WL 264928 (Ind.A.G.)

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Office of the Attorney General
State of Indiana

Opinion No. 89-9
April 25, 1989

Honorable June Potter
Auditor of Randolph County
Room 102, Courthouse
Winchester, Indiana 47394

Dear Auditor Potter:

This is in response to your request for an opinion concerning exemption of churches from tangible property taxes under Indiana Code Chapter 6-1.1-10 and exemption procedures to obtain tax exemptions under Indiana Code Chapter 6-1.1-1.

ANALYSIS

After considering *Texas Monthly, Inc. v. Bob Bullock* Comptroller of Public Accounts of the State of Texas, 109 S.Ct. 890 [57 L.W. 4168] (Feb. 21, 1989) and *Walz v. Tax Comm'r*, 397 U.S. 664 (1970), concerning clauses in the First Amendment to the United States Constitution (the Establishment Clause and the Free Exercise Clause) as made applicable to states by the Fourteenth Amendment, it is my opinion that all educational, literary, scientific, charitable and religious organizations should be treated the same by the county auditor and the county board of review with the single exception subsequently noted for certain churches or religious organizations.

All should be notified and given the same applications and information forms. The county auditor should forward all the applications and information forms which are returned by the applicants to the county board of review.

The county board of review should approve or disapprove the application as provided in Indiana Code Section 6-1.1-11-7 and otherwise follow the Code.

If churches or other religious organizations are unable to fill out Form 136 (Application for Property Exemption) because it is contrary to their religious beliefs, the Free Exercise Clause of the First Amendment of the United States, as made applicable to the States by the Fourteenth Amendment, may apply. The Free Exercise Clause was not raised in *Texas Monthly, Inc.*, supra.

The State Board of Tax Commissioners has established a procedure to deal with these special cases.

They have provided that in lieu of the completed form, the affected religious organization can send a letter during the filing period, Indiana Code Section -1.1-11-3, or during the time limits if applicable under Indiana Code Section -1.1-11-5 to the county auditor stating that it is unable to complete the form due to its religious beliefs.

When a church or other religious organization sends such a letter to you, it should be forwarded to the county board of review for use in allowing or
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allowing a tangible property tax exemption.
If the county board of review disapproves the exemption in such cases, the county auditor shall follow the procedures provided in Indiana Code Section 6-1-11-7(c).
If the county board of review approves the exemption in such cases, the county auditor shall follow the procedures provided in Indiana Code Section 6-1-11-8.

Article 10, s 1 of the Constitution of Indiana provides that the Indiana General Assembly may exempt from property taxation property being used for municipal, educational, literary, scientific, religious or charitable purposes. Article 10, s 1 has been held to apply only to property taxes under a general levy. See Miles v. Department of Treas. (1935), 209 Ind. 172, 199 N.E. 72, appeal dismissed 298 U.S. 640, 56 S.Ct. 750, 80 L.Ed. 1372 (1936); Banner-Coryall Lumber Co. v. Indiana Unemployment Comp.Bd. (1940), 218 Ind. 20, N.E.2d 776, cert. denied 312 U.S. 698, 61 S.Ct. 741, 85 L.Ed. 1132 (1941). The legislature must enact legislation for property to be tax exempt from property taxation. Article 10, s 1 is not self-executing, as the language used herein is permissive rather than mandatory. See Indiana University Foundation v. State Board of Tax Commissioners (1988), Ind.Tax, 527 N.E.2d 1166.
Taxpayers who qualify for one exemption may qualify for another as well. See C.A. Corporation v. State Board of Tax Commissioners (1988), Ind.Tax, 528 N.E.2d 125, citing Community Christian Church, Inc. v. State Board of Tax Commissioners (1988), Ind.Tax, 523 N.E.2d 1360; Indiana Association of Seventh-Day Adventists v. State Board of Tax Commissioners (1987), Ind.Tax, 512 N.E.2d 936; State Board of Tax Commissioners v. Wright (1966), 139 Ind.App. 70, 215 N.E.2d 57.
The Indiana General Assembly has enacted Indiana Code Sections 6-1.1-10-16 and 6-1.1-10-21 exempting property held for religious purposes from property taxation.

Indiana Code Section 6-1.1-10-16 reads:

- Buildings and land used for educational, literary, scientific, religious or charitable purposes. --(a) All or part of a building is exempt from property taxation if it is owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes.
- (b) A building is exempt from property taxation if it is owned, occupied, and used by a town, city, township, or county for educational, literary, scientific, fraternal, or charitable purposes.
- (c) A tract of land, including the campus and athletic grounds of an educational institution, is exempt from property taxation if:
 - (1) a building which is exempt under subsection (a) or (b) is situated on it; and
 - (2) the tract does not exceed:
 - (A) fifty (50) acres in the case of:
 - (i) an educational institution; or
 - (ii) a tract that was exempt under this subsection on March 1, 1987; or
 - (B) fifteen (15) acres in all other cases.
- (d) A tract of land is exempt from property taxation if:
 - (1) it is purchased for the purpose of erecting a building which is to be owned, occupied, and used in such a manner that the building will be exempt

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under subsection (a) or (b); and

(2) the tract does not exceed:

(A) fifty (50) acres in the case of:

(i) an educational institution; or

(ii) a tract that was exempt under this subsection on March 1, 1987;

or

(B) fifteen (15) acres in all other cases.

(e) Personal property is exempt from property taxation if it is owned and used in such a manner that it would be exempt under subsection (a) or (b) if it were a building.

(f) A hospital's property which is exempt from property taxation under subsection (a), (b), or (e) shall remain exempt from property taxation even if the property is used in part to furnish goods or services to another hospital whose property qualifies for exemption under this section.

(g) Property owned by a shared hospital services organization which is exempt from federal income taxation under section 501(c)(3) or 501(e) of the Internal Revenue Code is exempt from property taxation if it is owned, occupied, and used exclusively to furnish goods or services to a hospital whose property is exempt from property taxation under subsection (a), (b), or (e). [Emphasis added].

Indiana Code Section 6-1.1-10-21 reads:

Churches or religious societies.--(a) The following tangible property is exempt from property taxation if it is owned by, or held in trust for the use of, a church or religious society:

(1) A building which is used for religious worship.

(2) Buildings that are used as parsonages.

(3) The pews and furniture contained within a building which is used for religious worship.

(4) The tract of land, not exceeding fifteen (15) acres, upon which a building described in this section is situated.

(b) To obtain an exemption for parsonages, a church or religious society must provide the county auditor with an affidavit at the time the church or religious society applies for the exemptions. The affidavit must state that:

(1) all parsonages are being used to house one (1) of the church's or

religious society's rabbis, priests, preachers, ministers, or pastors; and

(2) none of the parsonages are being used to make a profit.

The affidavit shall be signed under oath by the church's or religious society's head rabbi, priest, preacher, minister, or pastor. [Emphasis added].

CONCLUSION

It is, therefore, my Official Opinion that a church or religious institution may be exempted from tax without violating the Establishment Clause of the First Amendment of the United States Constitution as made applicable by the Fourteenth Amendment of the United States Constitution to the States if educational, literary, scientific or charitable organizations are treated the same.

However, the Free Exercise Clause of the First Amendment of the United States Constitution, as made applicable to the States by the Fourteenth Amendment to

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89 Ind. OAG No. 9

the United States Constitution, may apply to churches or religious organizations where it is contrary to their religious beliefs to complete the application forms.

If a church or religious organization sends a timely letter to the county auditor stating that it is contrary to its religious beliefs to complete the application, the county auditor should send the letter together with the applications of other organizations filing for tax exemptions under Indiana Code Chapter 6-1.1-11.

The county board of review should approve or disapprove the exemption for the churches or religious organizations who have sent such a letter.

After approval or disapproval, the county auditor should then follow the procedures in Indiana Code Sections 6-1.1-11-7(c) and 6-1.1-11-8 in the same manner as it does for other organizations.

Respectfully submitted,

Linley E. Pearson
Attorney General of Indiana

Margaret L. Knight
Deputy Attorney General
1989 Ind. OAG No. 9, 1989 WL 264928 (Ind.A.G.)
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OTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION IN THE PERMANENT LAW
REPORTS. UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL.

SARASOTA COUNTY, Appellant,
v.
SARASOTA CHURCH OF CHRIST, INC.; Mt. Moriah Christian Church; Northside
Christian Church of Christ; Faith Baptist Church/Nikomis; Gulf Coast
Tabernacle, Inc.; Englewood Assembly of God; Calvary Bible Church; Christ
Lutheran Church; and Liberty Baptist Church, Appellees.
No. 93-01902.
District Court of Appeal of Florida,
Second District.
June 24, 1994.
Richard E. Nelson, Richard L. Smith and Michael S. Drews of Nelson, Hesse,
Yrilly, Smith, Widman, Herb, Causey & Dooley, Sarasota, and Robert L. Nabors,
Gregory T. Stewart and Sarah M. Bleakley of Nabors, Giblin & Nickerson,
allahassee, for appellant.
Stephen F. Ellis and J.W. Whitesell, Jr., Sarasota, for appellees.

PER CURIAM.
*1 [1][2][3][4] Appellant, Sarasota County, challenges a final judgment
n a class action lawsuit that declared invalid, as to members of the class,
he special assessments levied for appellant's Stormwater Environmental Utility
ursuant to Sarasota County Ordinance No. 89-117. Appellees, as members of the
lass, cross-appeal the same final judgment insofar as it validates special
ssessments levied by appellant for fire and rescue services. The class
epresented by appellees consists of religious organizations or entities owning
eal property within Sarasota County and used exclusively for religious
urposes. We affirm on both the appeal and cross-appeal. In doing so, we
bserve that the issues have been clearly presented and delineated both here
and in the trial court. Likewise, the trial judge has well articulated and
addressed the issues in the final judgment. When presented with such a final
judgment for review, we find no need to re-survey the same ground or re-state
or plagiarize Judge Whatley's efforts. Therefore, in affirming the judgment as
unended, we quote extensively from it and, with certain minor modifications,
approve and adopt it as our own as follows:

The issues in this case are whether Churches should pay for fire and rescue
services and stormwater management services which are levied as special
assessments. Churches are exempt from taxation [FN1], but subject to payment
of special assessments. The Plaintiff, Churches, have timely protested any
such payment for the special assessments at issue in this cause.... The
Plaintiff, Churches, have therefore exhausted all administrative remedies so as
to allow them to move to this judicial forum.

Few would argue, and these churches do not, that Churches should [not] pay
for special assessments that are in the form of improvements abutting or
contiguous to church property and providing a special benefit to such
property. Examples of such special assessments would be sewer lines,

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The definition of a special assessment is probably best stated in the case City of Boca Raton v. State, 595 So.2d 25 (Fla.1992). At page 29 of that opinion, the following language is set forth:

"... A legally imposed special assessment is not a tax. Taxes and special assessments are distinguishable in that, while both are mandatory, there is no requirement that taxes provide any specific benefit to the property; instead, they may be levied throughout the particular taxing unit for the general benefit of residents and property. On the other hand, special assessments must confer a specific benefit upon the land burdened by the assessment ... It is imposed upon the theory that that portion of the community which is required to bear it receives some special or peculiar benefit in the enhancement of value of the property against which it is imposed as a result of the improvement made with the proceeds of the special assessment. It is limited to property benefited, is not governed by uniformity and may be determined legislatively or judicially ... There are two requirements for the imposition of a valid special assessment. First, the property assessed must derive a special benefit from the service provided ... Second, the assessment must be fairly and reasonably apportioned among the properties that received the special benefit."

*2 See also Black's Law Dictionary--6th Edition (Special Assessments page 66) and Special Assessments, Section 15.048 Fla. Jur. 2d 213.

Until the late 1960's special assessments seemed to exclusively encompass improvements as opposed to services. However, in the late 1960's and hereafter cases arose which, without altering the definition of a special assessment, and without further explanation, deemed certain services to be special assessments. [FN2] This transition seemed to strain the definition and historical meaning of a special assessment. For example, in addition to the language set forth in City of Boca Raton v. State, supra, the following language is contained in St. Lucie County Ft. Pierce Fire Prevention and Control District v. Higgs, 141 So.2d 744 (Fla.1962) wherein the Court stated as follows following at page 746 of its Opinion:

"To be legal, special assessments must be directly proportionate to the benefits to the property upon which they are levied and this may not be inferred from a situation where all property in a district is assessed for the benefit of the whole on the theory that individual parcels peculiarly benefited in the ratio that the assessed value of each bears to the total value of all property in the district."

The first issue to address in this case is that of fire and rescue services (rescue services in this opinion are synonymous with ambulance services). Even the Plaintiff, Churches, conceded this issue as a "gray area". Churches have no significant obstacles concerning this issue. The first is the existing case law as enumerated in Fire District No. 1 of Polk County v. Jenkins, supra, and South Trail Fire Control District, Sarasota County v. State, supra. Specifically, these cases have recognized fire and related services as valid special assessments. The second obstacle for the Plaintiff, Churches, on this issue is rooted in the history of how many churches have paid for fire and rescue services for the past 20 years or more. They have paid, seemingly without protest, for fire and rescue services via one form or another of special assessment. The recent escalation in the amount of such charges have generated much of the current church protest. However, the issue is propriety of fire and rescue services as a special assessment and not the amount of the

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harges therefore. Accordingly, the Defendant's Affirmative Defense of stoppel is well taken and indeed applicable to this issue of fire and rescue services.

The remaining issue is that of stormwater management services. Unlike fire and rescue services, the Plaintiff, Churches, never paid for stormwater management services until Sarasota County passed Ordinance No. 89-117.... This Ordinance changed the payment of such services from a tax base, from which churches are exempt, to a special assessment base, from [sic] which churches are compelled to pay. Ironically, vacant land owners paid for stormwater management services when the collection was via a tax but are now exempt from paying under the special assessment format.

*3 Stormwater management services are, without question, both necessary and essential. However, such services [as planned and funded pursuant to Sarasota County Ordinance No. 89-117] benefit the community as a whole and provide no direct benefit, special benefit, increase in market value or proportionate benefit regarding the amount paid by any particular land owner. No evidence was presented of any direct or special benefit to any of the church properties involved in this lawsuit. Accordingly, these stormwater management services do not meet the definition of a special assessment. It is interesting to view Defendant's Exhibit B which confirms stormwater management revenues for fiscal 1991 exceeded expenditures by 50% (e.g., \$2,000,000/000).

If services are allowed to routinely become special assessments then, potentially the exemption of Churches from taxation will be largely illusory. For example, a review of Plaintiff's ... [evidence] reveal[s] that the significant majority of items presently comprising the ad valorem tax base are services by nature. A domino effect could ensue if special assessments are continually expanded to include generic services.

Judge John W. Peach, in the Third Judicial Circuit, seemed to draw the proverbial "line in the sand" on this issue in his recent opinion. [FN3] The Foxx case dealt with special assessments and the homestead exemption. A pertinent portion of Judge Peach's decision states the following:

"... The charges levied actually provide only a general benefit to the community and property throughout the county as a matter of law as opposed to a special benefit to any particular property and accordingly the charges are not special assessments or assessments for special benefits as that term is used in the Constitution." Page 12

Without this "line in the sand" the tax exempt status for churches will, in all likelihood, disappear.

Based on the foregoing, the Court finds:

1. Plaintiffs have exhausted their administrative remedies so as to enable them to pursue this litigation.

2. Fire and rescue services ... are valid special assessments for which [Plaintiff] churches and other members of the class must pay their proportionate share; and alternatively, the Defendants [sic] estoppel defense is applicable to the fire and rescue issue so that the Plaintiff Churches and other members of the class are estopped from contesting payment for said services.

3. Stormwater management services [as planned and funded by Sarasota County Ordinance No. 89-117] ... are not a valid special assessment and are, in fact, services whose revenues should be raised through the taxation method. As such,

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 The Plaintiff Churches and other members of the Class are exempt from the
 payment of such services, and further, said Plaintiff Churches and other
 members of the class are entitled to a refund of all monies paid pursuant to
 the stormwater management special assessment.
 Affirmed.

CAMPBELL, A.C.J., and THREADGILL, J., concur.

SCHOONOVER, J., concurs in result only.

FN1. Section 3(a) under Article VII of the Constitution of the State of
 Florida, Florida Statutes Sec. 196.012(1) and Florida Statutes Sec.
 196.192(1).

FN2. Fire District No. 1 of Polk County v. Jenkins, 221 So.2d 740
 (Fla.1969) and South Trail Fire Control District, Sarasota County v.
 State, 273 So.2d 380 (Fla.1973). With these two cases dealing with fire
 district services as valid special assessments; and Charlotte County v.
 Fiske, 350 So.2d 578 (Fla.2 DCA 1977). With this case deeming garbage
 disposal services as a valid special assessment.

FN3. Foxx v. Madison County, etc., Case No. 90-161-CA, Third Judicial
 Circuit in and for Madison County, Florida. This case is presently on
 appeal. A copy of this Circuit Court Opinion has been filed in the Court
 file.

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January 10, 1995

City Utilities Committee
Sam Talarico, Chair

Honorable members of the Committee, thank you for your consideration of this letter.

It is a difficult task, to be sure, formulating a fair and equitable plan that will cover the maintenance and repair costs of this city's storm-water sewer system. We all benefit from it; we all need to share the cost of its upkeep. It serves the over-all good of the community.

Two key questions have been raised concerning the church on this matter:

- 1) Can the church be exempt from this user fee.
- 2) Should the church be exempt from this user fee.

In addressing the first question "Can churches be exempt", three areas need to be examined:

- 1) The U.S. Constitution
- 2) The Indiana State Constitution
- 3) Title 8 of the Indiana State Code

The U.S. Constitution Allows for Exemptions

A United States Supreme Court case titled *Walz v. Tax Commission, 1970* held that a property tax exemption for religious property used solely for religious worship did not violate the Establishment Clause. In 1993, an Idaho court used the *Walz* case to state that "Statutory tax exemptions for religious organizations are not prohibited by the Establishment Clause." They also stated that exemptions for churches were a valid means for government to limit its otherwise potentially destructive effects on religion.

The Indiana State Constitution Allows for Exemptions

Article 10, Section 1 states: "The general Assembly may exempt from property taxation any property in any of the following classes: Property being used for municipal, educational, literary, scientific, religious or charitable purposes;". It has been concluded that a property tax exemption is permissible, but not mandatory.

Title 8 of the Indiana Code

It has been concluded from a reading of the Indiana Code, Title 8, Article 1.5, Chapter 5, Section 7(b), that an exemption from user fees is prohibited to any entity, including churches. That section of Title 8 states: "The board, after approval by the legislative body of the municipality, may assess and collect user fees, from all of the property of the storm water district for the operation and maintenance of the storm water system."

The conclusion reached and in use by this City Council, is invalid and inconsistent when compared with conclusions of similar language.

Validity

First, my challenge as to its validity:

The only proper and logical conclusion that can be reached from a reading of this code is: "The board may assess and collect user fees from churches."

Allow me to use a proper syllogism to demonstrate my conclusion:

Major Premise: The board...*may* assess and collect user fees, from all of the property of the storm water district.

Minor Premise: The storm water district contains churches.

Conclusion: The board *may* assess and collect user fees from churches.

To conclude that the board must assess and collect user fees from churches would render the following:

Major Premise: The board...*may* assess and collect user fees, from all of the property of the storm water district.

Minor Premise: The storm water district contains churches.

Conclusion: The board *must* assess and collect user fees from churches.

The changing of the word "may" in the major premise to "must" in the conclusion incorporates what is logically known as a "formal fallacy", and renders the conclusion invalid.

Inconsistency

The conclusion is also, inconsistent when compared to conclusions of similar language. Recall, the conclusion of Article 10, Section 1 stating "*may* exempt from property taxation", was that an exemption was *permissible*, but not *mandatory*. However, the conclusion reached of "*may* assess and collect user fees", has been considered *permissible*, and *mandatory*. Clearly, there is an inconsistency in the methods used to reach each conclusion.

Can churches be exempt from storm water user fees? Yes; the U.S. Constitution, the Indiana State Constitution, and Title 8 of the Indiana Code, all allow an exemption.

Conclusion

Finally, I would conclude by briefly addressing the second question: Should churches be exempt.

For a better part of this nation's history, the church had been treated separately from all other entities. This is why Thomas Jefferson penned the phrase "a wall of separation" to

the Danberry Baptist Society in 1802, insuring them freedom from governmental intrusions.

No other entity in this nation's history, or even the history of the world, has done more in attending to the poor, caring for the sick, or sheltering the homeless than the church. And in the area of crime, Jefferson said that religion was the best prevention as it is the only thing that deals directly with the heart.

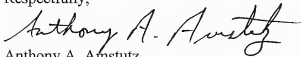
This city, which has received accolades of "Most Livable City" is now experiencing a record amount of murder. Our need for a strong, vibrant, and free church is as great now, as it has ever been.

As you have been advised, the 1989 Opinion of the Indiana State Attorney General, #9 which stated: "that all educational, literary, scientific, charitable and religious organizations should be treated the same..." was deemed "nonbinding dicta" and was summarily disapproved in the 1994 Opinion of the Indiana State Attorney General, #4. She concluded that churches can be treated as separate from all other entities.

Steps taken by you, this city's Council, that would ensure the church's strength, protect it's freedom, and treat it as separate, would certainly serve the greater good of this community.

I strongly urge you, dear Honorable members of this Committee, to reconsider your position as to whether churches may be exempt from this user fee.

Thank you.
Respectfully,



Anthony A. Amstutz

Associated Churches

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Rev Vernon Graham</u>	<u>5024 Wheaton Ct. 46835</u>
2. <u>Beth J. Cappman</u>	<u>1757 Holman, FWIN 46825</u>
3. <u>Marlene Borden</u>	<u>2909 Highland 46807</u>
4. <u>Ellen Graham</u>	<u>5024 Wheaton Ct 46835</u>
5. <u>Elizabeth Dabney</u>	<u>1605 Victoria Lane city 46816</u>
6. <u>Nancy J. Milkenov</u>	<u>5515 Old Mill Rd, FW 46807</u>
7. <u>Jane W. Hoffman</u>	<u>1881 Westgate Drive, FW 46808</u>
8. <u>Richard D. Jones</u>	<u>Colony Temple - Ft. Wayne, Ind.</u>
9. <u>Dr. Blodgett</u>	<u>2431 S. Kansas Ft Wayne Ind.</u>
10. <u>Arthur S. Brishman</u>	<u>2515 E. St. Thomas " 46815</u>
11. <u>Joseph J. Freichel</u>	<u>5805 Dartmouth Dr - 46825</u>
12. <u>Charles Hatter</u>	<u>5128 STANWISLAW DR. " 46806</u>
13. <u>Neil McFall</u>	<u>2702 Chichester Lane Ft Wayne 46815</u>
14. <u>V.H. Gandy</u>	<u>10203 Circlewood Ft Wayne 46804</u>
15. <u>Billy Brown</u>	<u>4142 Sandhurst Dr. Ft Wayne 46815</u>
16. <u>Jeanette Kocan</u>	<u>7370 Harold Dr. Ft. Wayne 46835</u>
17. <u>Frances Culbertson</u>	<u>7306 Rollinsdale Dr. Fort Wayne 46835</u>
18. <u>Bonnie Rickow</u>	<u>4534 Woodway Dr., Fort Wayne, Ind 46835</u>
19. <u>Marilyn Longworth</u>	<u>1509 Hagstone, Dr. Ft. Wayne, Ind 46815</u>
20. <u>Frances Austin</u>	<u>5820 Lori Lane " " 46804</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address	Phone
1. <u>Jim. Barmenian</u>	<u>69417 46th Ave</u>	<u>46835</u>
2. <u>Agnes Haunfelder</u>	<u>1922 Oakland St.</u>	<u>46808</u>
3. <u>Phyllis Bremer</u>	<u>1420 Melrose</u>	<u>46808</u>
4. <u>Mary E. Hillard</u>	<u>6504 Georgetown La</u>	<u>46815</u>
5. <u>Wanda Stabler</u>	<u>6508 Georgetown Lane</u>	<u>46815</u>
6. <u>Gladys Walker</u>	<u>3709 E. Sherman</u>	<u>46806</u>
7. <u>Freda Wiedrich</u>	<u>1503 Paulding Rd</u>	<u>436-3543</u>
8. <u>Margaret Allen</u>	<u>6205 Landbourne Dr</u>	<u>745-1800</u>
9. <u>Robert J. Meick</u>	<u>6611 Winchester St.</u>	<u>46819</u>
10. <u>Phyllis Remok</u>	<u>5821 Lois Lane</u>	<u>46815</u>
11. <u>Lorothy Wiggins</u>	<u>5640 Monarch Ln</u>	<u>46815</u>
12. <u>Lucile Woods</u>	<u>2215 Drake Dr</u>	<u>46819</u>
13. <u>Lorothy Siefert</u>	<u>7405 Bayview Drive</u>	<u>46819</u>
14. <u>Signe Saxen</u>	<u>6506 Redbird Dr.</u>	<u>46825</u>
15. <u>Fatsy Tinkle</u>	<u>1909 Alabama Ave.</u>	<u>46805</u>
16. <u>Betty Vandervort</u>	<u>1408 Dodge Av</u>	<u>46805</u>
17. <u>Margaret S. Dippel</u>	<u>1326 Dodge Ave</u>	<u>46805</u>
18. <u>Conita Brown</u>	<u>215 Putnam</u>	<u>46808</u>
19. <u>Clifford Parker</u>	<u>901 W King</u>	<u>46738</u>
20. <u>Grith Smith</u>	<u>7205 Bluffton Rd</u>	<u>46809</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|-----------------------|----------------------------------|
| 1. Ruth Ellison | 2445 Fairfield, Fort Wayne, Ind. |
| 2. Marcella Wickmeyer | 3020 Whitgate Ft Wayne, In |
| 3. Jean Horrell | 6230 Crofton Dr. |
| 4. Mary Habig | 2510 Greenway Fort Wayne |
| 5. Martha Sharpe | 2937 Westbrook Dr #202 46825 |
| 6. Berif Duncen | 4004 W. Warrick St. |
| 7. Ruth Keeler | 7327 Mellow Rd #64 FW-06 |
| 8. Margaret Christman | 4111 Reed St. 46805 |
| 9. Georgianna Bevers | 4616 Smith St 46806 |
| 10. Hazel Zunscho | 4625 Smith St 46806 |
| 11. Mary Keeler | 3323 Rockwood Dr 46815 |
| 12. | |
| 13. | |
| 14. | |
| 15. | |
| 16. | |
| 17. | |
| 18. | |
| 19. | |
| 20. | |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|-----------------------|---|
| 1. Paul Waites | 2558 SOUTH ANTHONY, FT. WAYNE 46803 |
| 2. Susan Yoder | P.O. Box 105, Leo, IN 46765 |
| 3. Jim Mary Bryant | 4414 Richfield Lane Ft Wayne IN 46816 |
| 4. Michael S. Dotson | 3704 Chestnut St. Ft. Wayne IN 46803 |
| 5. RAY + NORMA SHADIE | 6018 MOELLER RD FT Wayne IN 46816 |
| 6. Margaret J. Poling | 3226 Schels Ave Ft Wayne 46806 |
| 7. Harold L. Galt | 3226 Schels Ave Ft Wayne 46806 |
| 8. Fred Murray | 965 E. Wash Bl Apt 207A Ft. Wayne, IN 46803 |
| 9. Marion Waites | 2558 S Anthony Ft Wayne 46803 |
| 10. Angela Bryant | 4414 Richfield Ln Ft Wayne 46816 |
| 11. Mary Bryant | 4414 Richfield Ft Wayne 46816 |
| 12. Kenny Bryant | 3515 Reed St Ft Wayne 46806 |
| 13. Debbie Yoder | 13002 Ewing St Leo IN 46765 |
| 14. Deborah Campos | 3308 Schels Ave Ft Wayne IN 46803 |
| 15. Penny Campos | 3308 Schels Ave Ft Wayne IN 46803 |
| 16. Michael Bower | 13510 Page Rd Grubbs, IN 46741 |
| 17. Anne Bower | 13510 Page Rd Grubbs, IN 46741 |
| 18. | |
| 19. | |
| 20. | |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|-------------------------|---|
| 1. Gloria Williams | 1230 E. Lewis |
| 2. Lawrence R. Kattley | |
| 3. Sarah Lee Washington | 1425 Fletcher Ave |
| 4. Lennin Woods | 929 E. Berry St |
| 5. Robert Woods | " |
| 6. Lillie Dine | |
| 7. Doreen Cobbin | 5305 Winter St |
| 8. G. G. Custer | 5305 Winter St. |
| 9. Geraldine A. Lyons | 525 LaSalle |
| 10. Bessie Brown Lee | 1409 Dawson |
| 11. Edna P. Parker | 5910 Green Creek |
| 12. Elyshia Carter | 6205 Drake Bay Run |
| 13. Monne Nassar | 3226 Halton Ave |
| 14. Carolee Rice | 8428 Pittsburg St. |
| 15. Bruce W. W. W. W. | 2641 Stardale Dr. #10 46816 |
| 16. Ernie Brock | 3333 Adirondack |
| 17. Dwendolyn Woodson | 128 W. Leith |
| 18. Marion Freeman | 10026 Benton Woods Dr., Ft. Wayne, IN 46825 |
| 19. Linda Holder | 6334 Shiloh Dr., Ft. Wayne 46816 |
| 20. Elthia Davenport | 2511 Stardale Drive |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Gwenevere Darnport</u>	<u>2541 Stardale Drive</u>
2. <u>Sondra Brooks</u>	<u>3333 Adirondack Dr</u>
3. <u>Evins Brooks, Jr.</u>	<u>3333 Adirondack Dr.</u>
4. <u>Pepi Rogan</u>	<u>251 E. Hoover Dr.</u>
5. <u>Matthew Judem</u>	<u>251 E. Hoover Dr</u>
6. <u>ASTOR E. C. Atwood</u>	<u>5304 Island Trail</u>
7. <u>Irene Brunson</u>	<u>1403 Lehigh St</u>
8. <u>Melinda K. Page</u>	<u>4233 Alverado Dr.</u>
9. <u>Tiffany M. Steward</u>	<u>4844 Winter St</u>
10. <u>Michael G. Steward</u>	<u>4844 Winter St</u>
11. <u>Arch M. Cecil</u>	<u>458 Buchanan St.</u>
12. <u>Ruby Lavin</u>	<u>2537 S. Spruett</u>
13. <u>Kenny & La Fauce</u>	<u>7604 Marsh Ave.</u>
14. <u>Willie Bright-Sage</u>	<u>7604 Marsh Ave.</u>
15. <u>Debra C. Page</u>	<u>4511 Albert Dr</u>
16. <u>David L. Page</u>	<u>4511 Albert Dr</u>
17. <u>Jay Carter</u>	<u>6205 Drakes Bay Run</u>
18. <u>Jeff Thomas</u>	<u>1111 E. Pelt</u>
19. <u>Jeff Thomas</u>	<u>1111 E. Pelt Ave.</u>
20. <u>Angela Lewis</u>	<u>2506 Capital Ave.</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Ipponne Braster</u>	<u>643 Candeleto Ct</u>
2. <u>Miriam G. M. Hinkle</u>	<u>2111 Catalpa St</u>
3. <u>James Frank</u>	<u>2546 River Cove Lane</u>
4. <u>Christine Brimble</u>	<u>5002 Selen Ln.</u>
5. <u>Steve Chapin</u>	<u>3817 Riverwood Dr</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Catholic Sisters - Process
of St. Wayne + South Bend

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <i>Angelina Walezyk</i>	<i>913 Union St. Fort Wayne</i>
2. <i>Martha Wardenman</i>	<i>913 Union St. Ft. Wayne</i>
3. <i>Judith Turnock</i>	<i>913 Union St. Fort Wayne, IN 46802</i>
4. _____	_____
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Carle L. Foulkes</u>	<u>4023 Lillie</u>
2. <u>Som Wright</u>	<u>1228 tulip tree RD</u>
3. <u>ROBERT CHARLTON</u>	<u>5111 DE ROME, DR.</u>
4. <u>Michael Wyatt</u>	<u>4428 avondale Dr.</u>
5. <u>ANN Hopkins</u>	<u>4125 Browson ave</u>
6. <u>Back Carter</u>	<u>4406 timber St</u>
7. <u>Mary L. Prosser</u>	<u>2924 Gay St.</u>
8. <u>James Prosser</u>	<u>2924 Gay St.</u>
9. <u>Jodie Wood</u>	<u>3308 S. Hanna St</u>
10. <u>Alma Smith</u>	<u>509 E Crighton</u>
11. <u>Suzette Phillips</u>	<u>1916 Mathias</u>
12. <u>J. P. Blodgett</u>	<u>3606 Reynolds St</u>
13. <u>Suzanne Blodgett</u>	<u>3606 Reynolds St</u>
14. <u>Suzanne Blodgett</u>	<u>3606 Reynolds St</u>
15. <u>Carlisle Kyle</u>	<u>5021 Hesse Cassel</u>
16. <u>Suzanne Kyle</u>	<u>5021 Hesse Cassel</u>
17. <u>Cynthia Luckieberry</u>	<u>5021 Hesse Cassel</u>
18. <u>Savon L. Starks</u>	<u>3112 Frosch Dr.</u>
19. <u>Joan Starks</u>	<u>3112 Frosch Dr.</u>
20. <u>William L. Starks</u>	<u>3112 Frosch Dr.</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>BUSTER STARKS</u>	<u>2912 ELMDALE DR.</u>
2. <u>FLORET WHATT</u>	<u>4410 MARVIN DR.</u>
3. <u>EUSENE JOHNSON</u>	<u>3810-NEWPORT</u>
4. <u>JAMES LOWERY</u>	<u>1930 GUMP Rd</u>
5. <u>Joyce Caldwell</u>	<u>1032 Greenwood Ave.</u>
6. <u>Ruby Fleming</u>	<u>6025 S. Hanna</u>
7. <u>Euraline Jewell</u>	<u>6025 S Hanna St</u>
8. <u>Eva Hawes</u>	<u>2430 Olmsley St.</u>
9. <u>Enda Huckleberry</u>	<u>5910 Huxen Cassin St</u>
10. <u>Bertie Cook</u>	<u>3042 Scheley</u>
11. <u>Virginia Lynch</u>	<u>3205 S. Monroe St</u>
12. <u>Corothy Clancy</u>	<u>3701. Reynolds</u>
13. <u>Charles West</u>	<u>2533 Palisade Dr. 4686</u>
14. <u>Sarah Bellips</u>	<u>4922 Dorsetta. 46816</u>
15. <u>Mary J. Leary</u>	<u>1930 Gump Rd. 46825</u>
16. <u>Alvin B. Fuller</u>	<u>6816 Melburn Dr. 46816</u>
17. <u>William Hild</u>	<u>2530 McKinico 46826</u>
18. <u>Mauntie Jordan</u>	<u>2501 Capital Ave</u>
19. <u>Brenda Chavaz</u>	<u>3013 Johnson St</u>
20. _____	_____

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Michele Bennett</u>	<u>1329 E. Lewis St.</u>
2. <u>Christine Bennett</u>	<u>129 E. Lewis St.</u>
3. <u>Betty Pennington</u>	<u>4723 Fairfield</u>
4. <u>Jonathan Patterson</u>	<u>3308 S Hanna</u>
5. <u>Carrie M. Harris</u>	
6. <u>Bernadine Sawdell</u>	<u>2500 Hoevelwood</u>
7. <u>Doris Green</u>	<u>3500 Mono Avenue</u>
8. <u>Deleus Chamy</u>	<u>8201 Bridge Ave. 2B</u>
9. <u>Solma Williams</u>	<u>434 E. Sutherland</u>
10. <u>Margaret McCampbell</u>	<u>5102 Woodmark Dr.</u>
11. <u>Cynthia Jones</u>	<u>267 E. Hoerner</u>
12. <u>Betty Johnson</u>	<u>3406 S. Abbott</u>
13. <u>P. Michelle Fordell</u>	<u>2530 Hoevelwood Drive</u>
14. <u>Janice Johnson</u>	<u>4761 W. Center</u>
15. <u>Shirleya Hogue</u>	<u>3523 Lillie St.</u>
16. _____	
17. _____	
18. _____	
19. _____	
20. _____	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Gw Williams	2504 farfar Ave City
2. Johnnie Wilkerson	535 E. Taylor St City
3. Ann Nichols	7404 Hope Farm Rd City
4. Robert E. Nichols	7404 Hope Farm Rd City
5. Ann Marie Williams	2604 G. 8th St City
6. Mildred Williams	2519 Drake Ave
7. Julia Lynch	3920 Plaza Dr City
8. Christine Hayes	4509 Haywood Dr.
9. Freda Weemen	6825 Remond Dr.
10. Gwen L. Phillips	7922 Dorset Dr City
11. John Brown	3523 Lillie St
12. Ruby Mae	5118 Christie Ln.
13. Debbie Yates	3322 Bowser Ave.
14. Leonal Yates	3322 Bowser Ave.
15. Robert Lowell	438 E. Creighton Ave.
16. James Russell	3305 Mono Lane Dr.
17. Alvin Wells	724 Oaklawn Ct
18. Erma Lawrence-marsh	2934 Euclid AV
19. Joe marsh	2934 Euclid AV
20.	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Betty Stephens	448 E Creighton
2. Charlie Bright	3115 Robert Wood Dr.
3. Joyce Brown	1301 Greene St GA
4. Linda Ray	2902 S. Monroe St
5. Norma Bied	2902 S. Monroe St.
6. Beverly Hopkins	2834 Chantwell Dr.
7. Elzabet Easley	244 E Woodland
8. Betty Easley	244 E Woodland
9. Alice Simmons	2112 WARSAW
10. Merry Shephers	448 E Creighton
11. Deborah Wright	654 Wayne Trace
12. Sharon Hawkins	3265 Ingham Dr.
13. Ramond Thomas	1139 E LeDin St
14. William F. Thompson	
15. Richard H. Hinkle	4125 Bowser Ave
16. Mary E. Hinkle	3031 Auburn
17. George Bright	2715 Raymond
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19.	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|---------------------------|---------------------------------------|
| 1. Mae Pette | 3226 Congress St. Wayne 46806 |
| 2. Mrs. Frances Muff | 3928 Wisconsin Park Ft. Wayne 46806 |
| 3. Stella Jordan | 2501 Capital, Ft. Wayne 46806 |
| 4. John A. Herrold | 3905 Waynes St. Ft. Wayne 46806 |
| 5. John J. Lahmer | 1906 Dwyer City 46806 |
| 6. Stanley Bennett | 3919 Monroe St. Ft. Wayne, IN 46806 |
| 7. Michelle Wells | 724 Oaklawn Ct. 46803 |
| 8. Angela Cox | 4115 Broadale Dr. Ft. Wayne, IN 46806 |
| 9. Mr. & Mrs. T. A. Le | 4514 S. Park Dr. Ft. Wayne 46806 |
| 10. Carla Bookin | 4646 Heathwood Dr. Ft. Wayne 46806 |
| 11. Mary K. Lee | 4514 S. Park Dr. Ft. Wayne, IN 46806 |
| 12. Kenneth E. Lee | 4115 Broadale Dr. IN 46806 |
| 13. Nancy Billingsley | 1019 E. Rudisill, Ft. Wayne 46806 |
| 14. Pamela S. Billingsley | " " " " |
| 15. Demand Billingsley | " " " " |
| 16. Markie L. Billingsley | " " " " |
| 17. | |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|----------------------------|---------------------------|
| 1. <u>Ernie L. Johnson</u> | <u>1139 E. Lewis</u> |
| 2. <u>Charles Jackson</u> | |
| 3. <u>Earline Collins</u> | |
| 4. <u>Smella Campbell</u> | <u>3701 Inwood Dr.</u> |
| 5. <u>L. M. B. Perkins</u> | |
| 6. <u>Frank Pinks</u> | <u>520 E Creighton</u> |
| 7. <u>RAVIS WORTHAM</u> | <u>6230 CHADDSFORD DR</u> |
| 8. <u>George Smith</u> | |
| 9. <u>Edward</u> | <u>2715 Raymond</u> |
| 10. <u>James Wright</u> | <u>4519 Spang</u> |
| 11. <u>Monica Hill</u> | <u>5111 Hillie St</u> |
| 12. <u>Samuel Duckberg</u> | <u>1026 Hamilton St</u> |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Jannel Vpatt	4428 Arondale Dr.
2.	Bessie Woods	4536 Austin Dr
3.	Sally Ruzsani	7408 Reagin Dr
4.	Michael Montague	3802 Burt Dr
5.	Lillian Charleston	5711 DePam Dr. E
6.	Laurie Thomas	6025 So Hanna St
7.	Regina K. Dole	2833 S. Monroe
8.	Anneth Mack	1906 Rio Vista Dr.
9.	Don May	2501 W. Egan PR
10.	Thelma Johnson	4761 Winter St.
11.	Lesita G. Russell	3305 Moss Lane Dr
12.	Malig Vaptes	4125 Bowser Ave 468064428
13.	Hybrama Atkins	962 OAKWOOD CT
14.	Alan Jordan	2501 CAPITOL AVE
15.	Thonda Phillips	1021 Burt Dr.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Ronald J. Menachervani</u>	<u>2130 Embassy Dr. Fort Wayne</u>
2. _____	_____
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Andie H. McBay</u>	<u>2040 Elberta St. Ft. Wayne,</u>
2. <u>Paul E. Skinner</u>	<u>3726 H. St. Ft. Wayne</u>
3. <u>Horace W. Wheeler</u>	<u>1908 Sinclair St. Ft. Wayne</u>
4. <u>Edwin H. DeGraa</u>	<u>Brinell 3742 Northcrest Dr. Ft. Wayne</u>
5. <u>Paul Fulker</u>	<u>3925 N. W. 3rd CTR RD Ft. Wayne</u>
6. <u>Guiana Bogard</u>	<u>810 Lillian Fort Wayne 46808</u>
7. <u>Mary W. Bogard</u>	<u>810 Lillian Ave Fort Wayne IN 46808</u>
8. <u>Stefanie V. Jones</u>	<u>3521 Butler Rd. Fort Wayne 46808</u>
9. <u>Clyde R. Smith</u>	<u>3518 Butler Rd. Fort Wayne 46808</u>
10. <u>Elizabeth Cromer</u>	<u>4105 Patrick Ln. Ft. Wayne IN 46808</u>
11. <u>Bruce A. Keck</u>	<u>1328 Huron St Ft Wayne IN 46808</u>
12. <u>Don Staud</u>	<u>712 Russell Ave Ft Wayne IN 46808</u>
13. <u>Julie Parker</u>	<u>16429 Hackberry Dr. Ft Wayne IN 46825</u>
14. <u>Charles R. Park</u>	<u>6429 Hackberry Dr. Ft. Wayne, IN. 46825</u>
15. <u>Cheryl Ewers</u>	<u>2511 Union Rd. Huntington IN 46798</u>
16. <u>Pamela S. Roose</u>	<u>6033 Yellowstone Dr. Ft. Wayne IN</u>
17. <u>Ernest Matthew</u>	<u>1722 Purdue Dr. Ft. Wayne IN</u>
18. <u>Terry Clark</u>	<u>658 Archer Ave Ft. Wayne, 46808</u>
19. <u>Mary Ann</u>	<u>805 Russell Ave. Ft. Wayne IN 46808</u>
20. <u>Virginia L. Ryan</u>	<u>805 Russell Ave. Ft. Wayne IN 46808</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Betty Keesler	1328 Huron St. Fort Wayne In 46808
2. Lewis Tralock	1385 Spring St Ft Wayne 46808
3. Douglas Z. Harris	1902 Richmond Pl. Ft. W. 46802
4. Rose Marie Watkins	1902 Richmond Pl. Ft. Wayne 46802
5. Walter A. Roze	6033 YELLOWSTONE DR. 46818
6. Ralph Showen	7321 Lakeside Dr. 46819
7. Ernie Showers	7321 Lakeside Dr. 46819
8. Sharon Barnes	314 Russell Ave.
9. Pat Myers	805 Russell Ave.
10. Debra L. Clark	658 Archer Av.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Simpson Method 1
162

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name _____

Address

1. Marshall Doty 835 W. Wayne St. 02
2. William Catmuff 1228 No. ANDRE 46808
3. Kaylene Maynard 6111 Southwest Rd. 46816
4. Marilyn Marqua 5605 Lextuk 46818
5. Keith D. Furbush 202 E. Maple Grove Ave. Ely 46806 -2246
6. Don Loraue 539 W. Berry Apt # 701
7. Lue McMaken Box 11544 Ft. Wayne, Ind 46859
8. Marcelle DePence 1736 Rough Nest Ft. Wayne 46809
9. Frank Thomas 1245 W Foster Hwy 46807
10. Jan Post 6026 So. Calhoun 46807
11. _____
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Mary Lou Schmidt	3606 Meda Pass
2. Howard Schmidt	3606 Meda Pass
3. Anita Castina	314 W. Millers St.
4. Priscilla Sutto	1506 St. Marys ave. 46808
5. Margie Dougherty	3209 Simcoe Ct 46815
6. Susan Pauer	2121 Mount St. 46845
7. Lora Gardner	1211 Louisa Dale Dr 46808
8. Lora Gardner	1211 Louisa Dale Dr 46808
9. Lora Gardner	3209 Simcoe Ct 46815
10. Jay Pinkerton	5018 Webster St W 46807
11. Chelam Pauer	704 S. Wright Rd Ft W 46819
12. Sam Pauer	1422 E. Center St. Warren, IN 46580
13. Jefferson T. Kennedy	5507 Albany Ct Ft Wayne, IN 46835
14. DEBBIE A. FROEHLER	1715 LILLIE ST FT WAYNE
15. Vernon & Charlette Larson	1503 E. Paulding Rd. Ft. Wayne
16. Hazel L. Leise	
17.	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Patricia Houser</u>	<u>2227 Cimarron Pass</u>
2. <u>Charah Batten</u>	<u>2509 Thompson Ave.</u>
3. <u>Barbara Dull</u>	<u>6750N-200E Huntington</u>
4. <u>C Thom Mcloy</u>	<u>4712 Ottawa Dr.</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Lester Baper</u>	<u>5401 Fairfield</u> 46807
2. <u>Robert M. Lawburgh</u>	<u>6613 Parsons Ct</u> 46815
3. <u>Pauline Lawburgh</u>	<u>6613 Parsons Ct.</u> 46815
4. <u>Marlene Crowder</u>	<u>3206 Senate</u> 46806
5. _____	_____
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Sally Gutting	Sally Gutting 1711 Lakewood Dr.
2. David Gutting	David Gutting 1711 Lakewood Dr
3. Emma Davis	Emma DAVIS 2331 Opechee Way
4. Margaret Page	3424 Kirkwood Dr 46805
5. Marie Rohrer	4329 So. Calhoun
6. Cara Nell Johnson	6723 E. Anthony 16
7. Ethel Leibold	2914 Simpson Ave
8. Mabel Denis	6409 Melville Drive
9. Viola Wells	6723 S. Anthony
10. Marcia Hall	6836 Lake Forest Dr 46815
11. Cleo Campbell	5565 50-Wayne ave
12. Mildred Reid	2211 W. Macadamay Trce
13. Virginia Painter	VIRGINIA PAWTER 4115 Buell Dr. 46807
14. Mary Elizabeth Bird	2305 Hiawatha Blvd. 46809
15. Olive Caravanagh	1437 Hwy 6600 46805
16. Marie Caravanagh	1437 Hwy 6600 46805
17. Frances Gantz	7703 Verona Dr. 46816
18. Miriam Clevenger	5836 Radcliffe Dr. 46816
19. Scott Hamlin	715 Blake Dr. FW 46804
20.	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | | Name | Address | |
|-----|--------------------|----------------------|-------------|
| 1. | Birw Smul | 207 S. Seminole Cir. | |
| 2. | Deborah Smith | 207 S. Seminole Cir. | |
| 3. | Lucas Hope | 4432 Ave. for Ave | 46807 |
| 4. | Spas Ann Eranial | 809 W Packard | 46807 |
| 5. | Lillian McClintock | 3419 Portage | 46802 |
| 6. | Margaret Sullivan | 3020 Shaine Dr. | 46807 |
| 7. | Harold Sullivan | 3020 Shaine Dr. | 46807 |
| 8. | Jerry Russell | 704 S. S. Rd | 46819 |
| 9. | Harold E. Reese | 5108 E. State | 46815 |
| 10. | Nolan Mayhew | 6723 S. Anthony | 46816 |
| 11. | Michael M. Jones | 937 S. S. Rd | 46807 |
| 12. | Carol White | 4102 Indian Hills | 46809 |
| 13. | Lena Shearer | 6723 S. Anthony | E 525 46816 |
| 14. | Larry Everhart | 912 W Wildwood | 46807 |
| 15. | Ralph W. McNeal | 1335 PARK AVE | 46807 |
| 16. | Evelyn Smith | 328 S. S. Rd | 46807 |
| 17. | Virginia Tate | 1650 Gorington Rd | E 330 46804 |
| 18. | Jane W. W. W. | 3319 S. S. Rd | 46806 |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	J. Paul Jernan	1250 Korte Lane 46801
2.	Charlotte Grenay	1250 Korte Lane 46807
3.	Phyllis K. Braden	1005 Kennard
4.	Ralph Cox	317 E Lexington Ct 46804
5.	Shirley L. Col	317 E Lexington Ct 46806
6.	Steve Barrer	5128 Worthington St 46807
7.	Jayce Kenworthy	6603 S. Calhoun St.
8.	Lorene Broxon	9406 Chamberwell Dr. 46804
9.	Blanche Turdy	2224 S. Calhoun 46802
10.	Ruby McBride	3353 Diplomat Dr 46806
11.	Helen Crane	4320-3 K. Reingard Dr. 46809
12.	Margaret Jantz	202 E. FLEMING 46806
13.	Ruth Hudson	6306 Salge Ave. 46835
14.	Benny A. Brown	3701 Heywood Dr. 46806
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|------------------------|----------------------------|
| 1. Barbara Badal | 6530 Lombard Trail Ft. |
| 2. Margaret Blom | 843 Ardine 46819 |
| 3. Sheryl J. Jans | 252 St Joe Blvd 46805 |
| 4. Carl D. Hagland | 3098 Shawnee Trail 46874 |
| 5. CARL CAPOTINA | 314 W WILLIAMS 46802 |
| 6. John P. Quercy | 610 W. Oakhurst 46807 |
| 7. Audrey M. Coy | 601 Roxbury Ct. 46807 |
| 8. Philip J. Beardon | 6925 Heathcote Dr. 46819 |
| 9. John M. Leath | 3618 Shawnee Dr 46807 |
| 10. June Halley | 4488 S. SODE Rd Otto 46863 |
| 11. Mary Vangelis | 448 E. Leith 46806 |
| 12. Ann Jenkins | 2445 Fairfield #204 46807 |
| 13. Mary Jo Eisenacher | 3924 North Rr 46804 |
| 14. Al Eisenacher | 3924 North Rr 46804 |
| 15. Brenda Badger | 7803 W. Hama Dr 46819 |
| 16. Helma Poley | 3812 Hallgas Rd 46808 |
| 17. Francis Badal | 6530 Lombard St 46835 |
| 18. | |
| 19. | |
| 20. | |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|--------------------------|---------------------------|
| 1. <u>Beverly Murphy</u> | <u>125 East Taber St.</u> |
| 2. <u>Cornie Ault</u> | <u>1205 Chadwick Dr</u> |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | | Name | Address |
|-----|-------------------|-----------------------|
| 1. | David P. Lockhart | 313 N. Cornell Cir. |
| 2. | John K. Wind | 1320 Union St. FW |
| 3. | Sam Lockington | 2524 Dyer Dr. Albany |
| 4. | Michael J. Gabel | 9346 August Road |
| 5. | Bruce Conklin | 2330 Webster |
| 6. | Ed Whicker | 7133 Antebellum Dr. |
| 7. | Shawn Huston | 1320 Union St. FW. |
| 8. | Julie Enaley | 4313 Arlington Ave FW |
| 9. | Tim J. Friedrich | 313 Cornell Cir. |
| 10. | Julie M. Hill | 7133 Antebellum Dr. |
| 11. | David A. Conklin | 2330 Webster FW. |
| 12. | Chris Vosmeier | 929 W. Oakdale Dr. |
| 13. | Joe Vosmeier | 929 W. Oakdale Dr. |
| 14. | Carol E. Matz | 2503 Capitol Ave. |
| 15. | Nancy Kumpke | 4801 Arlington Ave. |
| 16. | Luan Stoup | 1735 Clark St. |
| 17. | Paul C. Lewis | 444 W. Fairfax Ave. |
| 18. | Rebecca J. Hickey | 124 Persimmon Dr. |
| 19. | | |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Cheryl Hamein	715 Blake FW 46804
2. Eileen Imlock	10781 S.C.R. 500E-92 ROANOKE, IND.
3. Stewart Imlock	10781 S.C.R. 500E-92 ROANOKE, IND.
4. Maurice W Page	3424 Kuhnwood Dr Ft Wayne
5. Willard Mcloy	601 Roy Bursky Court
6. Douglas J. J. J.	4488-S 800E HANTTO IND.
7. John J. Palmer	1062 W. Parkland, Ft W 46807
8. Geraldine Ault	3021 Webster, Ft W 46807
9. Peter Blomfield	843 Cordis Dr 46819
10. Helen Kueser	4410 Maywood St 46806
11. Joanne Mitchell	4313 Tacoma Ave 46807
12. Virginia Todd	3002 Kennedy, Ind 46815
13. Donald Pepe	4620 Fairfield 46807
14. Jay Bruster	6250 Doona Dr. 46819
15. Alice H. Boushey	944 Palmer Ave 46808
16. Kirk Sadowsky	223 S. Cornell Cir 46807
17. Kim Salvendy	223 S. Cornell Cir 46807
18. Elanie Crawford	2807 W. Throck St 46805
19. John Conter	1200 West John Perry 46807
20. Alvin J. J.	6135 HANNAH DR 46815

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Charles K Crowder	3206 Santa Ave Ft. W 46806
2. Roy J. Fleener	5811 Bayside Dr Ft Wayne In 46815
3. Marilyn Fleener	5811 Bayside Dr. Ft Wayne In 46815
4. Lucile Hollinger	6315 Winnebago Ct Ft Wayne 46815
5. Richard A Hollinger	6315 WINNEBAGO CT. FT. WAYNE IN 46815
6. Dale D Bralier	4225 Fairfield Ave Kalamazoo MI 49001
7. Marjorie D. Leath	3018 Shawnee Dr. Ft Wayne, IN 46807
8. Harold Smith	6018 Landover Pl. Ft Wayne 46815
9. Annelle Smith	6018 Landover Pl. Ft. Wayne 46815
10. William T. Williams	612 PAULDING RD FORT WAYNE 46816
11. Ella L Bean	5108 E. State Blvd Ft. Wayne 46815
12. J. Nelson	423 W. Sherwood Terr. Ft. Wayne 46807
13. Don C Nelson	423 W. Sherwood Terr. Ft. Wayne 46807
14. Samuel Dunselow Sr	3425 Glenhurst Ft Wayne IN 46805
15. Blanche L. Dunselow	3425 Glenhurst Ft Wayne IN 46805
16. Alice A. Armstrong	1240 W. Foster Hwy. Ft. Wayne, IN 46807
17. Anna B. Anderson	6925 Heatherston Dr Ft Wayne In 46819
18. Edward Menden	614 West Brighton Ave Ft Wayne 46807
19. Elmo Menden	614 West Brighton Ave Ft Wayne 46807
20. Joyce Baker	5201 Fairfield 46807

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Josephine Reich	1818 Westgate Dr. 46808
2. Laura Baker	Dell Loch Way 46804
3. Martha & Malan	5731C Brighton Meadows Dr. 46804
4. Scott Sengweiler	4501 Taylor St. 46804
5. David Thompson	1542 May Phelan Dr. New Haven, CN 46774
6. Sandra S. Klingler	1823 Glenwood Ave. Ft. Wayne, Ind 46805
7. Jennifer L. Baker	Dell Loch Way 46804
8. John & Beatty	3917 Knightway Dr. Ft. W. 46815
9. Judith Brown-Willhite	2922 Shawnee Dr. Ft. Wayne, Ind 46807
10. Robert A. Wilkes	2922 Shawnee Dr. Ft. Wayne 46807
11. RALPH JONES (BLIND)	5910 HESSENCOSSILL ²⁰⁵ Ft. Wayne 46816
12. Carol Johnston	1308 Timberlake Ft. Wayne 46809
13. Barbara Foster	10610 Morning Mist Tr 46804
14. John W. Williams	4017 Indiana Ave. Ft. Wayne 46807
15. Deborah Kerr	918 Eastern Tr Ft. Wayne 46825
16. Ann S. Richard	2210 Springfield Ave. 46805
17. Mary Flick	1215 W. Foster 46807
18. Helen M. Harding	617 Stratton Dr 481-2514
19. James A. Donald	5011 Vene (S) 483-7440
20. Susan L. Lehman	1704 Old Lantern Tr. 651-6165

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Jonathan Juncos	3206 Smith Rd '04
2. Gloria Merton	6611 Kline Dr. 04
3. Allen E Merton	6611 Kline Dr 04
4. Lance V. Parnoff	6730 Melard Court Ter. 04
5. Michael E. Parnoff	6740 Kiwanis Drive 8835
6. Laura Storms	1329 W. Till Road
7. John F. Storms II	1329 W. Till Rd.
8. Charlotte C. Stute	1121 Forest Ave
9. Ann B. Eckenich	4235 Resewatini N.
10. Margaret Jellum	7633 Wokana
11. Dean Bauer	3233 N. Washington Rd 46802
12. Nancy Bushbuck	2737 Club Terrace
13. Dedrick Mearns	5129 Tall Timber Trail
14. Tim Eakin	4423 Winding Way Dr.
15. Almayor	8207-2 Abner Dr
16. Ruth Apple	10703 Oak Crossing
17. Paul Apple	10703 Oak Crossing
18. Lorraine D. Davis	1828 Foxmont Dr.
19. Gwen Philips	725 Gaudelotte Ct.
20. Patricia Johnson	5011 Vasee 15

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Virginia Kriley	2720 Waver Ave 46802
2. Mike Gillen	2530 Beechwood Cir 46807
3. Alvin J. Meeklen	2532 Emerson Ave 46808
4. Betty Landelji	5328 Throck Ave 46835
5. Sharon K. Quin	6531 Marvott Rd. 46803
6. Evelyn McCall	822 Union St. 46802
7. Arren R. Walker	2910 North Clinton 46805-1910
8. Michael J. Jovan	1226 W. Jefferson 46802
9. Stephen D. Crisp	611 W. Berry 46802
10. Roland W. Stephenson JR	1542 MacKleson Dr 46774
11. Marie B. Schriber	1215 Wellington Ct. 46845
12. Jennifer Sully	3535 Kirkwood 46805
13. Anne Martin	2324 Shamero Hills Dr 46804
14. Dorothy R. Escosa	915 West Wildwood 46807
15. Gordon L. James	4422 Bridgetown Ln 46804
16. Marguerite McClure	5003 Stratford Rd. 46807
17. Barbara Morechas	3936 Bass Rd. 46808
18. John E. Jough	1226 W. Jefferson 46802
19. Robert H. Ken	918 EASTON Trail 46825
20. June F. Williams	4017 Ind. Ave 46807

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|----------------------------|---------------------------------------|
| 1. Mr. & Mrs. Harry Klein | 7186 1/2 329 E. Higgins Ln 46750 |
| 2. Robert + Harriet Powell | -1750 Woodlawn Drive 46804 |
| 3. Leslie Gallant | 4443 S. Wayne Ave. |
| 4. Wayne Peterson | 7122 Fairfield Ave. 46807 |
| 5. Scott M. Bushnell | 4741 Co. Rd 60, St Joe IN 46785 |
| 6. William P. King | 3405 Highland Ave. Ft Wayne In 46807 |
| 7. Barbara Weir Bushnell | 4741 Co Rd 60, St Joe Ind 46785 |
| 8. Nels K. Nyffeler | 114 N. 11th, Decatur, In 46733 |
| 9. Hugh H. Richardson | 5934 Sawmill Wood Ct. Ft Wayne. 46835 |
| 10. Leslie L. Richardson | 5934 Sawmill Wood Ct. Ft Wayne 46835 |
| 11. GORDON KENNEDY | 1220 VALUOSTA DR FTWAYNE 46825 |
| 12. CHRISTOPHER FLICK | 1215 Co. Foster Wy Ft Wayne 46807 |
| 13. Vera Sauer | 11510 Brigadoon Cr. Ft W. 46804 |
| 14. Arthur L. Richard | 2210 Springfield Ave St. Wayne 46805 |
| 15. Robin E. Thomas | 921 Jackson St FW 46802 |
| 16. Frank H. Jones III | 3525 Willowdale, F.W., 46802 |
| 17. Bonnie Hartley | 11492 N St Rd 1 Ossian, In 46877 |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Litha Tucker</u>	<u>3107 Parish Dr.</u>
2. <u>Phil Crawford</u>	<u>4842 Royal Dr.</u>
3. <u>Bernice Bowman</u>	<u>6040 Midwood Dr.</u>
4. <u>Carl Hgas</u>	<u>524 Prospect AVE</u>
5. <u>Sharon Spranger</u>	<u>11603 Argola Rd.</u>
6. <u>Betty Bransford</u>	<u>1503 E. Raulding Rd.</u>
7. <u>Zelda Bunt</u>	<u>903 1/2 Delaware St.</u>
8. <u>Renneth Sford</u>	<u>111 Norfolk Ave.</u>
9. <u>Sue Wenger</u>	<u>11084 SR 37</u>
10. <u>Joanne E. Brown</u>	<u>7526 St. Joe Ch. Rd.</u>
11. <u>Linda Brager</u>	<u>15715 Ashley Ave</u>
12. <u>Nikki Brager</u>	<u>1506 Spring Creek</u>
13. <u>Ernie Edger</u>	<u>4923 Ridgedale Dr.</u>
14. <u>Phyllis Kendall</u>	<u>3652 P. Plymouth Rd.</u>
15. <u>Michaelle Kendall</u>	<u>2907 Canterbury Blvd.</u>
16. <u>Ben & Arnold</u>	<u>3327 Sanibel Dr.</u>
17. <u>Jessica & Charles Schorkert</u>	<u>3311 Montana Dr</u>
18. <u>Rick Howard</u>	<u>3803 Chempstone Ct</u>
19. <u>Benjamin Keckler</u>	<u>3707 Parish Dr.</u>
20. <u>Jim Keckler</u>	<u>3707 Parish Dr.</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Butch Kinnison	3419 Buxtonwood Dr.
2. Gladys Rowland	5453 N. Clinton St.
3. Dorothy G. Bristow	5121 De Rome Dr. E.
4. Jan M. Bristow	"
5. Ruth H. Torrence	4541 Lincoln Rd.
6. Josephine Swain	1221 E. California Rd.
7. Ray Morrison	1826 Sowerby Dr.
8. Andy James	3905 Finchley Ct.
9. Tom James	3905 Finchley Ct.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Theranna Balogh	3353 Vance Ave 46805
2.	Brian Stallard	7408 Stonewall Run 46825
3.	Betty Edgar	4823 Ridgedale 46835
4.	Mark Wayne	2711 E. State 46805
5.	John A. Husted	6433 Tanbark Trail 46835
6.	Kim Bair	3724 Dareway Dr. 46815
7.	Chris B.	3724 Dareway Dr. 46815
8.	Joe Snyder	5702 Kellogg Rd 46818
9.	Vanilla Juvenile Edgar	1329 Laurel Dr. 46815
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|---------------------------------|---|
| 1. <u>Walter Williams</u> | <u>5129 Janwood Dr., Ft. Wayne, IN 46835</u> |
| 2. <u>Rich Markoff</u> | <u>8308 LAMPLIGHTER CT., FT. WAYNE, IN 46835</u> |
| 3. <u>Philip Gyness</u> | <u>3935 Spanish Tr. Ft. Wayne, IN 46815</u> |
| 4. <u>Beal Prune</u> | <u>9924 WASHINGTON ST LEO, IN 46765</u> |
| 5. <u>R. Matt Nital</u> | <u>704 Lake Forrest Village Circle Ft. Wayne IN 46815</u> |
| 6. <u>Bob Lamming</u> | <u>113 W Wayne #406 Ft. Wayne, IN 46802</u> |
| 7. <u>Leo A. Neli</u> | <u>6202 Cordova CT Ft. Wayne, IN 46815</u> |
| 8. <u>Karen May</u> | <u>2411 Oakwood Dr. Ft. Wayne, IN 46816</u> |
| 9. <u>Deane Houts</u> | <u>1725 Holliston Tr. FT WAYNE IN 46825</u> |
| 10. <u>Reg. Steven Albert</u> | <u>2914 Rolling Meadows 46724</u> |
| 11. <u>Ann Dugenthaler</u> | <u>5212 Bedrock Ct Ft Wayne 46825</u> |
| 12. <u>William M. Bokor</u> | <u>6317 Wadecrest RD. FT WAYNE 46835</u> |
| 13. <u>Allen D. Christensen</u> | <u>6412 Durango Dr. Ft Wayne 46815</u> |
| 14. <u>James B. Wolf</u> | <u>2415 Union Chapel Rd Ft Wayne 46845</u> |
| 15. <u>Joan A. Wolf</u> | <u>2415 Union Chapel Rd Ft Wayne 46845</u> |
| 16. <u>Beth Melvera</u> | <u>7620 Sunderland Dr. Ft. Wayne 46835</u> |
| 17. <u>Sam L. Gurner</u> | <u>7620 Sunderland Dr. Ft Wayne 46835</u> |
| 18. <u>Katharine Schmidt</u> | <u>6147 Clifton Dr. Fort Wayne 46835</u> |
| 19. <u>Judy Houts</u> | <u>1725 Holliston Tr. Ft. Wayne 46825</u> |
| 20. <u>Deane Christensen</u> | <u>6412 Durango Dr. Ft Wayne 46815</u> |

Tom STAHL 10908 DEWold Ft. Wayne 46845
Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Janette Smith</u>	<u>6901 Baer Rd</u> <u>FW, IN 46809</u>
2. <u>Cynthia Martin</u>	<u>4843 Buell Drive</u> <u>Fort Wayne 46807</u>
3. <u>Karen Henderson</u>	<u>606 Tennessee Ave.</u> <u>Fort Wayne, IN 46805</u>
4. <u>Ray H. Barkley</u>	<u>1620 Golf Frey Rd</u> <u>Ft. Wayne 46819</u>
5. <u>Rauline Morris</u>	<u>5806 Chester Blvd.</u> <u>Ft. Wayne, IN 46819</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Joyce Schmucke	3621 Scarborough
2. Helen Schmucke	3621 Scarborough Dr.
3. Lyle Salvador	3104 Goder Rd.
4. Raulo Salvador	3104 Goder Rd.
5. Marvin Branstetter	1716 Shoreview Dr.
6. Judy Branstetter	1716 Shoreview Dr.
7. Frey Scantlin	5431 Sand Point Pl.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	<i>Christopher Adams</i>	<i>908 Woodland Springs Dr. FW</i>
2.	<i>Daniel B. Book</i>	<i>534 Rose, New Haven</i>
3.	<i>Frederick V. Book</i>	<i>534 Rose Ave, New Haven</i>
4.	<i>James O. Gryn</i>	<i>10407 Cinnamon Tree Pl</i>
5.	<i>Edward E. Gryn</i>	<i>"</i>
6.	<i>Leanne D. McKenney</i>	<i>10102 Hibiscus Dr.</i>
7.	<i>D. McKenney</i>	<i>"</i>
8.	<i>RANDY WORTHMAN</i>	<i>820 PINETREE DR</i>
9.	<i>JANNA WORTHMAN</i>	<i>" "</i>
10.	<i>John Schumacher</i>	<i>9627 Yearling Dr Ft Wayne</i>
11.	<i>Loris Hirschy</i>	<i>4117 Rutland Ln. Ft Wayne</i>
12.	<i>Matthew G. Hirschy</i>	<i>" "</i>
13.	<i>Jeffrey R. Wells</i>	<i>7807 Delon Dr. Ft. Wayne 46809</i>
14.	<i>Becky Zehr</i>	<i>8909 Spring View Dr. 46804</i>
15.	<i>Brook A. Zehr</i>	<i>8909 Spring View Dr 46804</i>
16.	<i>Paul R. Shultz</i>	<i>1001 Hopewell Dr. 46819</i>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Mr & Mrs Danny Leschly	5206 Chippewa Tr 37 Wayne In
2. Mr & Mrs Donald Grimm	12211 Bluffton Rd. Ft. Wayne, Ind.
3. Barbara R. Korman	5922 Oakmont Rd. Fort Wayne, In.
4. Jack Byrd	
5. Jack Byrd	
6. Thomas Bauman	
7. Lois T. Burman	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Violet E. Meyers	6440 Fairfield Ave 46807
2. Kathryn D. Oak	2705 Marcy Lane 46806
3. Helen Gaff	3915 Elmcrest Dr. 46809
4. Helen Gaff	
5. Darrell L. Dennis	7211 Juliette Ave.
6. Robert Elliott	1736 Maplewood Rd.
7. Elvona J. Shipley	7104 Avalon Dr. 46819
8. Richard C. Eubank	7573 Melbourn Dr.
9. Dorothy J. Cubyk	7513 Kilbourne Ave. 46809
10. Leonard E. Shipley	7104 Avalon Dr. 46819
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Lee Worthman	7824 Debon Fort Wayne
2.	Edna Worthman	7824 Debon South Wayne
3.	Steve Jones	7112 Oak Dr
4.	Marie Johnson	2118 Baker Drive Hwy 40
5.	Ruth Clark	7409 Mill Run Rd City
6.	Mildred Mabe	1024 Ansly Dr Ft Wayne
7.	Louis E. Mabe	1024 Ansly Dr Fort Wayne
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
* 1. BETTY R. PIPPERT, Betty R. Pippert	3815 McComb Hunterstown, IN 46782
2. Louise M. Pippert 1223 Leaudene Dr	St. Wayne 46815
3. Hayko P. Neptune	6517 Birchdale Dr.
4. Kay R. Roberts 3938 Fairfield Ave.	Ft. Wayne, IN 46807
5. Tina M. Sanders 3123 S. Anthony Blvd	Ft. Wayne, IN 46804
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Jeanette Bessing	Mill Creek
2. Raymond E. Pippert	Huntersburg
3. John Everly	FT Wayne
4. Richard M. Oak	FT Wayne
5. Wendell W. Jones	FT Wayne
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

- | | |
|-------------------------|------------------------------|
| 1. <u>Olive Brumm</u> | <u>5723 Montanilla 46815</u> |
| 2. <u>Paul M. Brumm</u> | <u>5723 Montanilla 46815</u> |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

1. John M. Bessent

1574 Dundee Dr.
New Haven, In 46774

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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Janet Huffman	4910 Northfield Drive
2. Bob Huffman	4910 Northfield Dr.
3. Hermit Leininger	1019 Ord's Rd.
4. Maxine	" " "
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Russ Sunday</u>	<u>138 W. Rudisill</u>
2. <u>Mary M. Hirschman</u>	<u>257 E. DeWald St</u>
3. <u>Paul Hirschman, Chairman - Faith Board of Trustees</u>	<u>207 E DEWALD ST</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Jessie L. Wass	2413 E. State
* 2.	Sarah Rulley	5732 Joneshawk Tr.
3.	Clara Robinson	4101 Beecherbrook Dr
4.	Harold Robinson	4101 Beecherbrook Dr
5.	Cheryl L. Pruitt	2525 Springfield Ave.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Lisa Kratzert	4977 Coventry PKWY. FW 46804
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | | Name | Address |
|-----|-------------------|------------------------------------|
| 1. | James Crawford | 8215 Den Brook Pl FT Wayne 46825 |
| 2. | Bede Furney | 3612 A Monroe |
| 3. | Marguerite Murray | 421 Farnwick Ln #1 |
| 4. | Phyllis Crawford | 8215 Den Brook Pl. Ft. Wayne 46825 |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	* Della Flores	5558 Catalpa Lane
2.	* Carl Whitner	1504 Aberdeen Ln New Haven, CT
3.	Kathy Knepler	3321 Warsaw City
4.	Paul & Belle Whitman	4711 Thimble Dr - Ft Wayne
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

- | | | |
|-----|-------------------------|--------------------------|
| 1. | <u>Easter Daugherty</u> | <u>333 Alverno 46816</u> |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

- *1. Clay Bush 6830 WEST JEFFERSON BLVD
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Maria J. Myers</u>	<u>1431 Clara Ave</u> ^{JH, 2Dn} <u>46805</u>
2. <u>Deanna Klesin</u>	<u>2516 Forest Ave</u> ^{Ft Wayne}
3. <u>Larry J. Klein</u>	<u>6322 Allenwood Dr</u> ⁴⁶⁸¹⁵ ^{Ft. Wayne}
4. <u>RT Schimbeckla</u>	<u>8552 E. Curata Ave</u> ⁴⁶⁸¹⁵
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Mrs. Alice DeArmond	5630 Woodheath
2. Mrs. Ouida Alford	3156 Oswego Ave
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

1. *Edwin J. Stoddy 5110 Camelot Dr, Ft Wayne.*
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Helen Ford	3424 Beared Ave
2. Margie Abbott	2024 Maplewood Rd
3. Ruth Patrick	5506-4 Old Dover
4. Glen F. Patrick	" " "
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | | Name | Address | |
|-----|----------------------------|-----------------------------|--------------|
| 1. | <u>Robert Showalter</u> | <u>1223 Providence Dr.</u> | <u>46815</u> |
| 2. | <u>Branna J. Showalter</u> | <u>1223 Providence Dr.</u> | |
| 3. | <u>Lebecca Wales</u> | <u>7520 Saddlebrook, Ct</u> | <u>46804</u> |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Ernestine Guatieri</u>	<u>2921 Seafarer Lane Ft. Wayne</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <i>Phil Stettler</i>	<i>1108 Oakdale Dr.</i>
2. <i>Betty Stettler</i>	<i>1108 Oakdale Dr.</i>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Virginia Choquard</u>	<u>3920 Marite St. 46809</u>
2. <u>Bernon Choquard</u>	<u>3920 Marite St. 46809</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <i>Darin Field</i>	<i>210 N Adams Marion In</i>
2. <i>Kirk Sanders</i>	<i>3123 S Anthony Fort Wayne</i>
3. <i>Randy Rostrom</i>	<i>3123 S Anthony Fort Wayne</i>
4. <i>Nickole Foust</i>	<i>3123 S Anthony Fort Wayne</i>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|---------------------|----------------------------|
| 1. Edward L. Lawson | 5925 Smith Road Fort Wayne |
| 2. Ethel Lawson | 5925 Smith Road Fort Wayne |
| 3. Wanita Roberts | 5925 Smith Road |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Tim J. Everly</u>	<u>11010 W. DAKDALE 46807</u>
2. _____	_____
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

1. Carol Miller

8505 Creekside Dr.

* 2. Delann Beck

6714 W Jefferson Blvd

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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

X 1.

Renee P. Handis

7407 Dancer Run

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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Grace St. Johns
U.C.C.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Heidy Kiess</u>	<u>5717 Hopkinton 46804</u>
2. <u>MARY HESS</u>	<u>2120 ENGINEER RD 46809</u>
3. <u>Robert J. Blymer</u>	<u>6722 Pennock Rd, 46819</u>
4. <u>Anna M. Blymer</u>	<u>6733 Pennock Rd 46819</u>
5. <u>Cynthia G. Hett</u>	<u>736 Snowfall Rd 46819</u>
6. <u>Robert A. Welch</u>	<u>5511 S. Harrison 46807</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>S. Ann Colmace</u>	<u>1110 Farnwood 46816</u>
2. <u>Stacey Colmace</u>	<u>1110 Farnwood Ave. 46816</u>
3. <u>Deloris Faulkner</u>	<u>10719 1/2 S 27 St. 46816</u>
4. <u>Margaret Harnischke</u>	<u>4038 Harwood</u>
5. <u>Katherine Shing West Wood Drive</u>	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Grace E. Oker</u>	<u>6440 Fairfield</u>
2. <u>Terens Forest</u>	<u>4916 Standish dr</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Pauline Bracht	5515 Pledge Dr. 46806
2. Neil E. Bracht	5606 Robert Pl. 46815
3. Lynn Bracht	5606 Robert Pl. 46815
4. Marcianne Ely	4131 Tanager 46802
5. Joanne Peters	225 N. Cornell Circle 46807
6. Robert Peters	225 N. Cornell Cir 46807
7. Robert W. Eckley	7016 Wayne Trace 46816
8. Harriet Eckley	7016 Wayne Trace 46816
9. Ralph Gutman	16907 Indianapolis R. 46798
10. Jane Gutman	16907 Indianapolis R. 46798
11. Jack Sauerwein	4715 S. Wayne Ave. 46807
12. Doris Sauerwein	4715 South Wayne Ave. 46807
13. Maurane Johnson	3327 Oakwood Dr. 46816
14. Erwin H. Muller	5428 Maurane Dr. 46804
15. Virginia C. Miller	5428 Maurane Dr. 46804
16. Norma J. Lippold	215 Edgemoor Ave - 46805
17. Herman Deck	2423 Marcy R. - 46806
18. Mabel Deck	2423 Marcy Rd. 46806
19. Mary Peter Baker	9026 Spring Forest Dr 46804
20. Ann Baker	9026 Spring Forest Dr 46804
21. Jeffery A. Crawford	921 W. Cambridge Dr. 46807

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | | Name | Address |
|-----|-------------------|--------------------------|
| 1. | Dorva Herscher | 9720 Reindeer Rd. |
| 2. | Bep Schannen | 6622 Hillbush Ln |
| 3. | Wilbur E Duddy | 7017 Ardway |
| 4. | Wayne Bodley | 241 E. Fleming |
| 5. | Ann Clark | 1809 Brown St |
| 6. | Howard V. Feap | 5228 Ind Ave Ft Wayne |
| 7. | Harold M. Johnson | 3322 Oakwood Dr Ft Wayne |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Larry & Pat Holderbaum	Grace St Johns UCC.
2. Doug & Karen McConnell	Grace St Johns UCC.
3. Ken & Wilma Thivierge	Grace St Johns UCC.
4. Ruth Brenderick	Grace St Johns UCC.
5. GENE MASON	GRACE ST JOHN'S UCC
6. BILL SIEBOLD	GRACE ST JOHN UCC
7. Lucille Kline	2316 S. Sherford
8. Helen Smuts	Grace St. Johns Church
9. Rene Norrenman	Grace St Johns UCC
10. Beverly Zylowski	Grace St Johns UCC
11. Lois M. Wedgoff	Grace St. Johns U.C.C.
12. Cynthia J. Ford	
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Douglas R. Browner	Faith Lutheran Church 1700 E Pettit St
2.	Nancy Berry	" " " "
3.	Miss Branning	" " " "
4.	Bulent Sauer	" " " "
5.	Roland W Kgl	" " " "
6.	Marcille Trapp	" " " "
7.	Andrew Lutz	" " " "
8.	Patrick Ely	" " " "
9.	Daniel M. Chan	" " " "
10.	Steven F. Jacobs	" " " "
11.	Quart Wiedekraus	" " " "
12.	Ly. Rose Ann Kraus	" " " "
13.	W. B. Smith	" " " "
14.	Cleo Swager	" " " "
15.	Bill Streeter	" " " "
16.	W. P. W.	" " " "
17.	Robert Daniel M. Strobel	" " " "
18.	Hilda Biekerich	" " " "
19.	Hilda Reynolds	" " " "
20.	Margaret Cooke	" " " "

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Faith Lutheran Church	1700 E. Pettit
2. Lillian Rydell	
3. John Hamrick	
4. Mary L. Hamrick	
5. Sharon Pruitt	
6. Steve Pruitt	
7. Mabel Swager	
8. Kristy Cole	
9. W. George Cole Jr.	
10. Wayne A. Haggerty	
11. Suzanne B. Jowers	
12. Beverly Cook	
13. Clara Oyer	
14. Steve A. Duwer	
15. John Mueller	
16. Lil Mueller	
17. Sandra Woude	
18. Donald Corley	
19. Eva H. Fanta	
20. Eleanor C. Manta	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Faith Lutheran Church	1700 E. Peltz
2. Robert C. Hokenstein	
3. H. W. Guenther	3508 Santa Ave
4. Donna Guenther	
5. James J. Berry	
6. Hilda Myers	
7. Kenneth E. Myers	
8. Paula Bleske	
9. Margaret Horstmyer	
10. Rallie E. Willman	
11. Judy Bruns	
12. Ed Krueger	
13. JANE CHAFFIN	
14. Teresa Sackofen	
15. Joan Steere	
16. Delbert and Mary Rose	
17. Frank Crocker	
18. Wayne Forst	
19. Minnie Ramey	
20. Roland W. Kgl	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|---|----------------|
| 1. Faith Lutheran | 1700 E. Pettit |
| 2. Miriam J. Keep | |
| 3. Shirley Jacobs | |
| 4. Pauline Keep | |
| 5. William Rathgeber | |
| 6. Thomas Rathgeber | |
| 7. Beata C. Raichert | |
| 8. H. C. B. Raichert | |
| 9. Corrine Martini | |
| 10. Howard V. King | |
| 11. Carrie Pungel | |
| 12. Antonia B. Davis | |
| 13. Victoria A. Browner | |
| 14. Cheryl Pike | |
| 15. Sheryl Pike | |
| 16. Marion Roberts | |
| 17. Nancy Kay Thomas | |
| 18. Susan Moyce | |
| 19. John D. B. B. | |
| 20. John D. B. B. James Winger | |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Faith Lutheran Church	1700 E. Pettit
2.	Randy Schimmoller	
3.	Robert Wiedehman	
4.	Lois Friede	
5.	Marcia K. Markovich	
6.	Jane Connor	
7.	Miley L. Bauer	
8.	Nicole D. Bauer	
9.	John Hohen	
10.	Melissa Mark	
11.	Deborah Hohenster	
12.	LaVon Barry	
13.	Michelle Cambria	
14.	Christine Kingsley	
15.	Cynthia Lumburg	
16.	Dick Lumburg	
17.	Shawn A. Bell	
18.	Theresa E. Hill	
19.	Mrs. J. Wiegert	
20.	Mrs. J. Wiegert	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|---------------------|--------------------------------------|
| 1. Joseph J. Massa | Faith Lutheran Church E. Pettit 1700 |
| 2. Daniel P. Massa | |
| 3. John A. Lehman | |
| 4. Nancy Strobel | |
| 5. Lisa M. Quen | |
| 6. Norman S. Quen | |
| 7. Michelle R. Lutz | |
| 8. Robert L. Lutz | |
| 9. David L. Lutz | |
| 10. Sue Strobel | |
| 11. Le Roy J. Cook | |
| 12. David M. R. J. | |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Mark Powell</u>	<u>201 W DARTMOUTH AVE</u>
2. <u>Mrs. Don Conrad</u>	<u>2627 Alwood Rd, Ft. Wayne</u>
3. <u>Janet</u>	<u>4414 KENICWORTH ST.</u>
4. <u>Betty Eisenacher</u>	<u>4003 Meda Pass</u>
5. <u>Marquerite Dickman</u>	<u>831 Ventura Dr</u>
6. <u>Jan Doy</u>	<u>7005 Thrush Ave</u>
7. <u>Phil Wendelin</u>	<u>4118 Rutland Dr.</u>
8. <u>Angela Kravitz</u>	<u>5311 Fairfield Dr</u>
9. <u>Laura Sturhorn</u>	<u>4301 Plaza Dr.</u>
10. <u>Tony Kirsch</u>	<u>3811 Webster</u>
11. <u>John Arnold</u>	<u>6208 Chaddock Dr</u>
12. <u>Clair Otter</u>	<u>1503 E. Paulding Rd.</u>
13. <u>Clair Otter</u>	<u>1503 E. Paulding Rd</u>
14. <u>Patty Beyer</u>	<u>5828 Winchester Rd</u>
15. <u>Frank Beyer</u>	<u>5828 Winchester Rd</u>
16. <u>Patricia Schweitzer</u>	<u>1927 Kogewood Ave, apt C</u>
17. <u>Audrey Smith</u>	<u>5004 E. Madison St Wayne, Mo.</u>
18. <u>Kurt B. Marshall</u>	<u>1850 Florida Dr 46804</u>
19. <u>Chas J. Wawron</u>	<u>4510 Lafayette Esplanade</u>
20. <u>John Foss</u>	<u>5724 Fairfield Ave</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Mr. & Mrs. E. W. Schlatter	4029 Lillie St
2. Betty Lazzari	5645A South Wayne
3. Harold Andrews	1212 Hueston Ave - Ft Wayne
4. Stan Blay	6601 OAK MILL PLACE FW
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Donald Strier</u>	<u>4428 Casa Nova C.Y.</u>
2. <u>VALERIE Goodwin</u>	<u>1925 SYCAMORE Hills Dr. 46804</u>
3. <u>John R Good</u>	<u>1921 Sycamore Hills Dr 46804</u>
4. <u>Bruce Zuber</u>	<u>1218 Park 46807</u>
5. <u>Shirley Zuber</u>	<u>1218 Park Ave 46807</u>
6. <u>Ruth McDonald</u>	<u>6128 Gate Tree Ln 46805</u>
7. <u>John R. Hinkle</u>	<u>2012 Lonsdale Ave 46805</u>
8. <u>Patricia Hinkle</u>	<u>2012 Lonsdale Ave 46805</u>
9. <u>Ola D. Soloy</u>	<u>3304 N. Wayne St 46806</u>
10. <u>John O. Jannetall</u>	<u>7 Athletic 46805</u>
11. <u>Jan Miller</u>	<u>2622 Brightwood Ct 46845</u>
12. <u>Henry Foyette</u>	<u>6918 Pennaker Dr 46819</u>
13. <u>Helen Redding</u>	<u>2708 DeCuir Dr.</u>
14. <u>Dorothy Anderson</u>	<u>3542 Hoover Tr. 46816</u>
15. <u>Kae Barras</u>	<u>2771 Lincoln Ave 46805</u>
16. <u>Edna Albert</u>	<u>5106 Centerville Rd 46835</u>
17. <u>Bernadine Wierschke</u>	<u>7555 Nocturne Rd 46816</u>
18. <u>Maribeth Trining</u>	<u>710 W. Oakdale Dr 46817</u>
19. <u>Tom & Katy Deimler</u>	<u>5321 N. Crest Dr. 46825</u>
20. <u>Arne Bracht</u>	<u>601 Stadium, 46805</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DEWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Sam Richman</u>	<u>Ft. Wayne, Ind.</u>
2. <u>E. R. Ashman</u>	<u>Ft. Wayne</u>
3. <u>Ed Bond</u>	<u>Ft. Wayne</u>
4. <u>Frank Z. Helmsing</u>	<u>4320 Dunning Rd Ft. Wayne</u>
5. <u>Jonny Lemel</u>	<u>3906 Blairbridge Lane Ft. Wayne, Ind.</u>
6. <u>Gregory J. Smith</u>	<u>" "</u>
7. <u>James E. Smith</u>	<u>2104 Dore Dr. Ft. Wayne</u>
8. <u>Gerald J. Bareff</u>	<u>1506 Spring 46808</u>
9. <u>Janette Samu</u>	<u>2819 Cherokee Row NH 46774</u>
10. <u>Wanda J. Jagers</u>	<u>2114 Briarfield Ct 46815</u>
11. <u>Eugene R. Wagner</u>	<u>2114 Briarfield Ct 46815</u>
12. <u>James L. Bates</u>	<u>2924 Weisser PK. 46806</u>
13. <u>Jim Dook</u>	<u>9833 Blue Mound Dr. 46804</u>
14. <u>Joseph M. Squadrato</u>	<u>1622 Emerson Av. 46808</u>
15. <u>J. V. McElroy</u>	<u>3024 Soudale Dr. 46816</u>
16. <u>Edward D. Wilkins</u>	<u>" "</u>
17. <u>STUVE Houser</u>	<u>1711 Courtman 46808</u>
18. <u>Bunkette City Paces</u>	<u>821 Countrywood Pt. 46845</u>
19. <u>Joseph Houser</u>	<u>St. Charles 46808</u>
20. <u>Louise G. Duffley</u>	<u>1617 Valance St.</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DEWALD STREET
FORT WAYNE, IN 46803

SAINT PETER'S CATHOLIC CHURCH
513 E. DEWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Agnes Mary Peterink</u>	<u>5810 Fernwood</u>
2. <u>Paul Peterink</u>	<u>5810 FERNWOOD AV</u>
3. <u>John S. Spoorington</u>	<u>3221 ROCKWOOD DR</u>
4. <u>Thomas M. Spoorington</u>	<u>3221 Rockwood Dr.</u>
5. <u>Barbara H. Jantzen</u>	<u>2222 Hobson Rd. Apt. 204 G</u>
6. <u>Frances Janner</u>	<u>1621 Presidential Dr. N.H.</u>
7. <u>Frank J. Janner</u>	<u>1621 Presidential Dr. N.H.</u>
8. <u>Concepcion R. Bess</u>	<u>514 Edgewood Dr</u>
9. <u>Harvey Wagoner</u>	<u>1029 Tennessee</u>
10. <u>Deanna M. Miller</u>	<u>7713 Valley Meadows Dr. 46815</u>
11. <u>Jeffrey Rayner</u>	<u>6945 Lake Forest Village Circle</u>
12. <u>Wanda R. Miller</u>	<u>5445 Lake Forest Village Circle</u>
13. <u>Frank Adams</u>	<u>5862 Tanglebrook Dr. apt 13</u>
14. <u>Raul & Mary Pacheco</u>	<u>120 W. Rudisill 46807</u>
15. <u>Gregory A. Anderson</u>	<u>2915 Smith St</u>
16. <u>Lashara Ham-May</u>	<u>15001 Mill Rd. N.W. 16</u>
17. <u>Grace Gulemberke</u>	<u>1510 E. Dewald 46803</u>
18. <u>Pat Miller</u>	<u>901 W. Rudisill Blvd 46807</u>
19. <u>Betty Miller</u>	<u>425 W. Fleming 46807</u>
20. <u>Gertrude W. Voirc</u>	<u>728 Florence 46808</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
513 E. DEWALD STREET
FORT WAYNE, IN 46803

SAINT PETER'S CATHOLIC CHURCH
518 E. DEWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. JERRY VERHOFF	FT. WAYNE, IND.
2. [unclear] Miller	901 W. Rudwell St. Wayne
3. Joe Talarico	Ft. Wayne
4. [unclear] Miller	400 S. [unclear] Ft. Wayne
5. Katherine H. [unclear]	4330 S. [unclear] Ft. Wayne
6. Thomas J. Lauer	4117 Shobaton Dr.
7. Robert [unclear]	2215 Kensington Blvd.
8. Patricia M. Klein	2215 Kensington Blvd.
9. Lisa Roberts	3905 Newport Ave
10. [unclear] [unclear]	5551 [unclear]
11. [unclear] [unclear]	11111 Budd Dr 46807
12. Eugene T. Snyder	6334 Allenwood Dr 46835
13. Robert J. Miller, Jr.	7713 Volby Meadows, Dr. 46815
14. Dorothy R. Wagoner	1029 Tennessee 46805
15. Thomas J. [unclear] Jr.	511 E. Creighton Ave 46803
16. Edna Williams	8321 Bridgeway Ln 1C 46816
17. Lois [unclear] [unclear]	122 [unclear] 46802
18. Joe & Sandra Ragus	1224 South Fork Trail 46825
19. Anita Chola	2934 Star Dale 46816
20. [unclear] [unclear]	721 Florence 46801

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DEWALD STREET
FORT WAYNE, IN 46803

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Alberta S. Rath</u>	<u>6614 Orangewood Ct 46825</u>
2. <u>Helen Grant</u>	<u>1930 Senior Dr 46805</u>
3. <u>J. E. Schmitz</u>	<u>4114 Bessel Dr 46807</u>
4. <u>Donald P. Chinger</u>	<u>306 E. Hoover Dr 46816</u>
5. <u>Jerry K. Schol</u>	<u>2104 Dahl Dr 46819</u>
6. <u>Martha Hagenjris</u>	<u>1106 Grant Ave 46803</u>
7. <u>Frank H. Weber</u>	<u>354 E. Hoover Dr</u>
8. <u>Caroline M. Bonny</u>	<u>514 C. Edgemoor Ln. 46816</u>
9. <u>Carol A. Keener</u>	<u>5312 Finch Lane 46818</u>
10. <u>Jerry S. Keener</u>	<u>5322 Finch Lane 46818</u>
11. <u>Ray Topp</u>	<u>336 Keller St.</u>
12. <u>Janette Smith</u>	<u>3624 K. K. S. - Caley</u>
13. <u>Agnes Topp</u>	<u>2937 Westbrook Dr.</u>
14. <u>Phyllis L. Shy</u>	<u>3304 S. Hanna St. 06</u>
15. <u>Marie D. Jackson</u>	<u>3419 PORTAGE BLVD</u>
16. <u>Mary E. Stomach</u>	<u>4002 FAIRFIELD A. 46807</u>
17. <u>Betty Priest</u>	<u>315 E. Lexington Rd. 46806</u>
18. <u>Arada Smock</u>	<u>4355 Fairfield Ave 46807</u>
19. <u>Mary E. McDonald</u>	<u>6128 Gettys</u>
20. <u>Christine Scholten</u>	<u>2714 W. Anthony</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Gleis Smith</u>	<u>3629 Hike Ln</u>
2. <u>Kathleen Fox</u>	<u>2114 S Calhoun St</u>
3. <u>Paula Nite</u>	<u>4529 Reid St</u>
4. <u>Forest Jackson</u>	<u>3419 Portage Blvd</u>
5. <u>Sister Caroline Clark</u>	<u>522 E. Madison - 46802</u>
6. <u>Patrick Madden</u>	<u>3826 Maplecrest Rd. 46815</u>
7. <u>Deborah J. Jett</u>	<u>2811 Cherokee Run 46774</u>
8. <u>John Payette</u>	<u>6718 Pennhurst Dr. 46819</u>
9. <u>Sharon Rowe</u>	<u>1621 Presidential Dr. New Haven, IN</u>
10. <u>Donald Miller</u>	<u>10507 S. Wagonwheel Rd</u>
11. <u>Veronica Rubenfeld</u>	<u>120 W. Lincoln St. Ft. Wayne, IN</u>
12. <u>Sylvia R. Bruner</u>	<u>3315 N. Washington Road Ft. Wayne, IN</u>
13. <u>Dore Fleming</u>	<u>1309 Sheridan Court FW 46807</u>
14. <u>Paulette Fleming</u>	<u>1309 Sheridan Ct FW 46807</u>
15. <u>Shonda Lay</u>	<u>1320 Onida, FW 46805</u>
16. <u>John Lay</u>	<u>6527 Birchdale, FW 46815</u>
17. <u>Debra Hill</u>	<u>2929 Westbrook Dr. 46805</u>
18. <u>John Akenbruck</u>	<u>1220 Onida St FW 46805</u>
19. <u>Robert Neelmeier</u>	<u>1222 Westview. 46807</u>
20. _____	_____

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DeWALD STREET
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Arthur Wiedrich	7550 Spruce St
2. Barbara A. Lopez	5729 Vermont Ave
3. Pat Haley	5118 Chugwater Ave
4. Joy Moore	6410 Amarillo Dr
5. Ruth Jaks	
6. Mr. Alf D. Clark	2934 Starbuck Dr 46816
7. Richard R. Funks	5830 Sandra Terrace 46819
8. Martha R. Fels	3029 Sundale Dr 46816
9. Myrinda B. Voigt	2917 Westbank Dr. Apt 312 46805
10. Mr. Mrs. Robert G. Gant	4301 E. Anthony Ave. Dr
11. Martha Zander	1222 Elmwood 46805
12. Mary Marting	6117 Decatur Rd 46816
13. Susan C. Worrel	817 Northwood Blvd 46805
14. Winifred Kanya	3811 Westlark 46805
15. Carolyn Terry	541 S. Fortuna 46805
16. James J. Holleneger	820 Northlark 46805
17. James Brazill	726 W. Oakdale Dr 46807
18. Lucile Batchelder	420 W-5th St 46808
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DEWEY ST. N. I
FORT WAYNE, IN 46803

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|---------------------------|---|
| 1. John S Swanson | 3222 Duane Street |
| 2. Karen E. Voss | 2705 Whitegate Dr Ft Wayne |
| 3. Monahille R. Voormeier | 2705 Whitegate Dr Ft Wayne |
| 4. Edward J. Fox | 2114 S. Colham St |
| 5. Janet H. Myers | 4210 Encino Dr. |
| 6. Sharon Myers | 4210 Encino Dr. |
| 7. Thomas J. Hoff | 6431 Wamelingor Ct 46815 |
| 8. Michael R. Mural | 1777A BARNHURST FTW 46815 |
| 9. Mike Rotman | 7418B MulRen Ft Wayne, IN 46819 |
| 10. Mike Smith | 6625 Goshwin Rd Ft Wayne IN 46818 |
| 11. Patricia Namu | 11621 Residential Dr. New Haven, IN 46771 |
| 12. Laura Mille | 10507 Longwood 71A Wayne IN |
| 13. Brett V. Han | 4021 South Wayne 46806 |
| 14. Anthony J. Carcione | 123 1/2 Conington Ln Ft Wayne, IN 46815 |
| 15. Monica Parguette | 6918 Penmarken Ft Wayne 46819 |
| 16. Ann Ten | 1327 Wadsworth New Haven IN 46771 |
| 17. Celia K. Green | 1006 Conington Ln Ft Wayne 46815 |
| 18. Beth Joy | 9625 Edwige Pl Ft W. 46804 |
| 19. Carolyn M. Myers | 21631 P. 46806 IN 46806 |
| 20. | |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

SAINT PETER'S CATHOLIC CHURCH
518 E. DEWEY ST. N. I
FORT WAYNE, IN 46803

Lincolnshire

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Murphy Orndorff</u>	<u>6405 Londonderry Dr 46835</u>
2. <u>David Baker</u>	<u>9521 Tallow Dr 46804</u>
3. <u>Sharon R. Baker</u>	<u>9521 Tallow Dr. 46804</u>
4. <u>Deane A Orndorff</u>	<u>9624 Mariners Ridge Dr 46809</u>
5. <u>Robert Wright</u>	<u>615 N 500W 46733</u>
6. <u>David L. Bickel</u>	<u>2919 Bonworth Dr. 46805</u>
7. <u>Dave Springer</u>	<u>4506 Linn. Huntington Rd 46809</u>
8. <u>James Valentine</u>	<u>1425 Lakeland Cove 46825</u>
9. <u>Charles E. Valentine</u>	<u>1425 Lakeland Cove 46825</u>
10. <u>Jeann Wolff</u>	<u>3133 Ochlag 46815</u>
11. <u>Don Nobles</u>	<u>3519 Conterra Dr. 46816</u>
12. <u>Donald R. Dunton</u>	<u>5719 Lexington Dr. 46809</u>
13. <u>Rebecca Butler</u>	<u>5719 Lexington 46809</u>
14. <u>Harlan Dietzel</u>	<u>3635 Paddock Ct 46801</u>
15. <u>Shirley M. Mally</u>	<u>11101 Trails N. Driv. 46845</u>
16. <u>Ken Clark</u>	<u>2323 Lima VALLEY DR. 46818</u>
17. <u>Lowell Schauer</u>	<u>1809 Dupuy Dr. 46815</u>
18. <u>Harold Morgan</u>	<u>7133 Highland Rd 46745</u>
19. <u>Donald Orndorff</u>	<u>6405 Londonderry Dr 46835</u>
20. <u>Herbert Tapp</u>	<u>423 W. Row 46777</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Dorothy Tripp	422 W. Rec 46777
2.	Wade Ballinger	1126 W. Jefferson 46802
3.	Arthur D. Buzgala	4703 Ash Grove Rd 46809
4.	Jaret Bowman	5225 Buell 46807
5.	Bladys Squires	4746 Stratford Pl 46807
6.	Claron Squires	4746 Stratford 46807
7.	Mildred Dreyer	3635 Paddock Ct. 46804
8.	Crystal Sargent	6703 Old Muncie 46803
9.	Barbara Schmidt	3417 Ozark Ave 46809
10.	Jeanne Schmidt	106 Dunbar St. 46816
11.	Paul Schmidt	106 Dunbar St 46816
12.	Cleo Mawon	7133 Highland R 46745
13.	Jack Schmidt	3417 Ozark 46809
14.	Don Tridwell	825 Mullorn 46819
15.	Lythia A. Snider	6107 Stony Brook 46835
16.	Phil Snider	6107 Stony Brook 46835
17.	Evelyn Bickel	2919 Bosworth 46805
18.	Rae Bickel	2221 Pl. W. Dr. 46808
19.	Robert Bickel	2221 Post West Dr 46808
20.	Jeremy H. Kuhl	1500 St. Joe Rd #509 46835

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|------------------------------|--|
| 1. Richard A. Foust | 3753 Parchrop St. F.W. |
| 2. O O Mannett | 819 Columbia " " |
| 3. Joan Browner | 2830 Nordholme F.W. 46805 |
| 4. Jimmy Jenkins | 2117 Lima Ln. FTW 46818 |
| 5. Herbert W. Winkler | 3123 Rockwood Ft. W. 46815 |
| 6. Jack & Lynn Jenkins | 2117 LIMA LANE FT. WAYNE 46815 |
| 7. Milla Clark | 3507 Harrow Dr. Ft Wayne 46816 |
| 8. August & Ellean Zollinger | 2921 CAMBRIDGE FT. WAYNE 46808 |
| 9. Warren & Jolene | 5325 Webster St. Wayne O |
| 10. Carol McCarty | 2501 Poinsette Dr. F.W. 46808 |
| 11. Cleotis & Violet Platt | 1303 Curde, Ave. |
| 12. Karen Beckema | 2917 Westbrook Dr. #408 Ft Wayne, Ind. 46805 |
| 13. Mary L Jones | 1608 Schilling Ave. Ft. Wayne, Ind. 46808 |
| 14. Anita Jacobs | 604 York West Blvd Ft. Wayne Ind 46805 |
| 15. Mrs James Jacobs | 604 W. State " " " " Ind. |
| 16. William Bowdler | 2830 Nordholme |
| 17. Mr & Mrs K. K. K. | 650 S. J. 9100, 1001 205 - Ft Wayne |
| 18. Mary Kershaw | 935 Ridgewood Apt 8 Ft Wayne |
| 19. Robert & Rosemary Leis | 925 Ardenale Pl |
| 20. _____ | _____ |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

West 111th and Church of the
Nazarene.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|-----------------------|--|
| 1. Rev. Harvey Howe | 1715 West Main, Ft. Wayne, Ind. 46808 |
| 2. Jewel Horace | 1715 West Main - Ft. Wayne Ind. 46808 |
| 3. Dorothy England | 16702 Anthony Rd. Ft. Wayne Ind. 46816 |
| 4. J. M. Rye | 2824 Kremer Rd Ft. Wayne IN 46818 |
| 5. Donald Brown | 801 Grace St Ft Wayne 46802 |
| 6. Gail J. Miller | 221 Prospect Ave Ft. Wayne Ind 46805 |
| 7. Louis A. Lassala | 721 Prospect St Ft. Wayne Ind 46805 |
| 8. V. M. Hincup | 300 W. 13th St. Ft. Wayne Ind 46802 |
| 9. B. L. H. H. H. | 314 W. 13th St |
| 10. Elmer H. H. H. | 2004 Senior Dr Ft. Wayne 46805 |
| 11. L. H. H. H. | 721 Prospect Ave. Ft. Wayne Ind. 46805-4011 |
| 12. J. H. H. H. | 5900 Senior Dr |
| 13. Madeline J. H. H. | 114 Broadway Ave 46808 |
| 14. Mary B. H. H. | 2127 Senior Dr 46805 |
| 15. Nina B. H. H. | 2737 W. Washington Ct. Ft. Wayne Ind. 46818 |
| 16. Sharon D. H. H. | 4343 Winter St Ft. Wayne, Ind. 46806 |
| 17. Tim H. H. | 300 Anthony Blvd Ft. Wayne 46806 |
| 18. Ann May | 2737 W. Washington Ct. Ft. Wayne, Ind. 46818 |
| 19. | |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Phil Mortimer	1148 Kinnaird
2. Dennis J. Kelley	241 E Dawald St
3. Eugene Sampy	2516 Bowser Ave Apt
4. Craig Schmitt	11435 Robot Rd.
5. Jerry Tobler	1406 Sinclair St 46808
6. Marcelino Peta Wosa	7911 Decatur Blvd.
7. Reinaldo B. Calderon	2427 S. Lafayette 03
8. Mrs Barbara a. Vabine	1718 State Blvd
9. Virginia Stenard	530 Finks
10. Anne Helen Love Church	1303 Rehman Dr.
11. Diana K. Harrell	5910 Stundish Dr
12. Wendy L. Johnson	2836 S Bar
13. Nina J. Brown	618 Tennessee Ave.
14. M. J. West	1421 Hurd St
15. Rip Bacon	601 Three Rivers E Apt
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Union Baptist Church

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Karen Adams	2027 Woodhaven #8 46819
2. William Watson	3505 Bowser 46806
3. Linda Watson	3505 Bowser 46806
4. Sylvia Weddson	2806 Euclid 46806
5. Betty Lunsey	1548 Kitch 46803
6. James R. Ruffalo	3330 Clermont Ave
7. Denise A. Butler	4843 Royal Dr. 46835
8. Janice L. Whittaker	3059 McLean Rd 46808
9. Bobbie Kray	2821 Bowser Ave 46806
10. Carl Brown	7633 Welch Rd Blvd 46815
11. Leonard Jordan	7109 Antebellum DR. 46815
12. Jamie D. Wyatt	10418 Oakhill Rd, Fw 46845
13. Carl Brown	3321 Argyle Dr. 46806
14. Viola Culpiper	2609 Darkest 02
15. Pat Green	318 E. Wildwood 46806
16. Bob Green	3185 Wildwood 46806
17. Suzanne E. Eubanks	6123 Eagle Creek Dr 46804
18. Ed Brown	5814 Henshaw Ave 46835
19. Kathleen K. Hill	3508 Chestnut St 46803
20. Terri M. Blamlett	5110 Buell Dr. 46807

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Ruth Jenkins	5326 - Clearbrook Dr
2. Tanya Davis	602 E. LEITH ST.
3. Judith M. Green	4030 Robinwood Dr.
4. Bobbie J. Jackson	4404 S.W. Anthony Wayne Dr.
5. Brenda White	2323 Winter St Ft Wayne
6. Yvonne M. Wright	2631 Starbuck Dr
7. Robin Brewer	2605 Shadyoak Dr. 46806
8. James F. Whitaker	3421 Congress Avenue 46806
9. Louise J. Reed	1420 Garner
10. Patricia George	429 Summit St 46803
11. Gary J. Cox	3914 Nottingham Dr 46815
12. Amy K. Eason	4601 Wellington Drive 46806
13. Betty Dapone	
14. Vickie Cox	3914 Nottingham Dr. 46815
15. Betty D. Turner	1504 Hurd St. 46803
16. Shirley Smith	2831 Buckeye Valley 46816
17. John & Rosetta Zol	1635 Woodland Blvd Ft. Wayne
18. E. Lynn Bell	9187 Harmon St 46814
19. William J. Bell	705 Harmon St 46814
20. Maria Drago	4914 Halton Ave 46806

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|------------------------------|----------------------------------|
| 1. <u>Mani Whitehead</u> | <u>1306 Summit St 46803</u> |
| 2. <u>Etta M. Sykes</u> | <u>2820 Chestnut 46803</u> |
| 3. <u>Lucille Hill</u> | <u>7010 Autumn View Dr 46816</u> |
| 4. <u>Bessie Minniefield</u> | <u>7222 Chadwick Dr 46816</u> |
| 5. <u>Clinton Lewis</u> | <u>3105 Plaza Dr. 46806</u> |
| 6. <u>Marion Allen</u> | <u>390 E Plaza Dr 46806</u> |
| 7. <u>Ella Mathes</u> | <u>736 E. Washington Blvd</u> |
| 8. <u>Thelma Burns</u> | <u>1220 E. McKee St.</u> |
| 9. <u>Jayce King</u> | <u>1204 Cinnamon Rd.</u> |
| 10. <u>Wilma Jones</u> | <u>4602 46835</u> |
| 11. <u>25 Altha Bringham</u> | <u>1511 Connaught Ct 46815</u> |
| 12. <u>Delores Smith</u> | <u>8132 Budgway Circle #2A</u> |
| 13. <u>Elise U. Howard</u> | <u>835 Prestwick Sq. 46816</u> |
| 14. <u>Anna Wilkins</u> | <u>8126 Bridgeway Cr. 46816</u> |
| 15. <u>Jarah V. Hudson</u> | <u>1911 Coronet Dr 46815</u> |
| 16. <u>James Kirk</u> | <u>818 Milton 46806</u> |
| 17. <u>Herbert Singler</u> | <u>8525 Palisade Dr 46806</u> |
| 18. <u>Patricia Fay</u> | <u>3803 Plaza Dr. 46806</u> |
| 19. <u>Natasha Brown</u> | <u>6004 Post Brook Rd 46835</u> |
| 20. <u>Nickson Jones</u> | <u>1119 N. 11th 46806</u> |

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Brenda Bracum	4988 Pinebrook Dr.
2. Cyndy Brumlett	5200 Buell Dr.
3. Valerie Sanders	7858 Trier Rd.
4. Peggy Ann Johnson	5214 Pleasant Run
5. Dannie Welt	5637 Plymouth Rd.
6. Barbara Neal	5005 Hillie St.
7. Amelia Culpher	2508 Lillie St.
8. Waymen Brown Jr	3206 Queen Street 46806
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|------------------------------|-------------------------------------|
| 1. <u>Janice Hill Hunter</u> | <u>1427 E. Rudisill Blvd. 46806</u> |
| 2. <u>Cordian Adams</u> | <u>4634 Basington Dr. 46806</u> |
| 3. <u>Walter Hunter</u> | <u>1427 E. Rudisill Blvd 46806</u> |
| 4. _____ | _____ |
| 5. _____ | _____ |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

FBI

Pastor Charles Smith

BAPTIST TEMPLE

3200 Hillegas Road - Fort Wayne, Indiana

Phone 484-6841



October 18, 1994

Rev. Vernon Graham
The Associated Churches
602 E. Wayne Street
Fort Wayne, IN. 46802

Dear Vernon:

Because I am leaving for vacation Oct. 24 - November 12th., I am sending theses to you a few days early.

Keep me posted on what happens.

Sincerely,

Chuck

Chuck

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Martha Hester</u>	<u>3024 Brook Valley Rd. Ft. Wayne 46818</u>
2. <u>Connie Smith</u>	<u>3 Country Forest Dr. Ft. Wayne 46818</u>
3. <u>Larry Elder</u>	<u>1721 Cortland Ave. Ft. Wayne 46808</u>
4. <u>Harold M. Elder</u>	<u>1330 Margaret Ft. Wayne 46808</u>
5. <u>Tammi Smith</u>	<u>6001 Oregon Dr. Ft. Wayne 46825</u>
6. <u>Marilyn B. Smith</u>	<u>1717 Choctawhatchee Trail Ft. Wayne 46808</u>
7. <u>Cheryl A. Bundy</u>	<u>1717 Choctawhatchee Trail Ft. Wayne 46808</u>
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Mary J Shawals	1119 W. 31st St
2. John C. McChesney	1822 Sutherland Dr
3. Joe Taylor	2744 Paulding Rd.
4. Pam Enyle	3422 Maple Grove
5. Edgar T Brown	217 S. Hadley Rd.
6. William Brown	217 S. Hadley Rd.
7. Rebecca Beal	4019 Coleman Ave.
8. James Beal	4019 Coleman Dr.
9. Tanya Jaws	5714 Kimberley Rd.
10. Doug Jaws	5714 Kimberley Rd.
11. Steve Hill	17132 McDuffee Rd.
12. Jackie Hill	17132 McDuffee Rd.
13. Ron McChesney	10319 Mottawa Trail
14. Chuck Smith	15425 Maple St Huntertown
15. Ann Linn	2521 Cornelia Ave
16. Rhonda Linn	2521 Cornelia Ave
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|-------------------------------|---|
| 1. <u>Chuck Smith</u> | <u>6001 Oregon Dr 46825</u> |
| 2. <u>Betty C. Smith</u> | <u>6001 Oregon Dr 46825</u> |
| 3. <u>Ken Samherat</u> | <u>829 Villa Pl 46808</u> |
| 4. <u>Rhonda Samherat</u> | <u>829 Villa Pl Ft. Wayne Ind. 46808</u> |
| 5. <u>Julia Whitfield</u> | <u>1125 W. Third St, Ft. Wayne, Ind. 46808</u> |
| 6. <u>Rosemary R. Eldon</u> | <u>1330 Margaret Ave. Ft. Wayne 46808</u> |
| 7. <u>Sigma Quibay</u> | <u>3224 Schiele Ave. Ft. Wayne Ind. 46803</u> |
| 8. <u>Harry J. Myers</u> | <u>825 Shunlawn Ave. Ft. Wayne, 46808</u> |
| 9. <u>Larry Myers</u> | <u>825 Shunlawn Ave. Ft. Wayne, 46808</u> |
| 10. <u>Chris Mitchell</u> | <u>3632 Maywood Ave. Ft. Wayne Ind. 46806</u> |
| 11. <u>Richard Z. Taylor</u> | <u>2315-2A Pointe View Dr, Ft. Wayne 46808</u> |
| 12. <u>Dorothy M. Schultz</u> | <u>3110 Evergreen Rd, Ft. Wayne 46818</u> |
| 13. <u>Harry L. Schultz</u> | <u>" " " " " "</u> |
| 14. <u>James P. Cronen</u> | <u>2502 Clifton Hills Dr, Ft. Wayne 46808</u> |
| 15. <u>Janice Cronen</u> | <u>2502 Clifton Hills Ft. Wayne Ind. 46808</u> |
| 16. <u>Beatrice Swank</u> | <u>8413 Kellogg Rd Ft. Wayne Ind. 46818</u> |
| 17. <u>Linda Hofferbach</u> | <u>2100 St. Mary Ave Ft. Wayne, Ind. 46808</u> |
| 18. <u>John C. McSore</u> | <u>1922 Sutherland Dr. Ft. Wayne, Ind. 46808-1710</u> |
| 19. <u>David E. Shawen</u> | <u>1119 W 3rd St. Ft. Wayne Ind. 46808</u> |
| 20. <u>Marcia L. Babcock</u> | <u>4629 Arizona Ave. Ft. Wayne Ind. 46808</u> |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Providence
Baptist
Church

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|------------------------|---------|
| 1. Hag files | |
| 2. Frances Scruggs | |
| 3. Arnold Scruggs | |
| 4. C. Jean Smith | |
| 5. Dixie Spearman | |
| 6. Wilbert Essex | |
| 7. Reginald McRae | |
| 8. Marie Thetron | |
| 9. Cheryl Crowder | |
| 10. Donna Craig | |
| 11. Hattie White | |
| 12. M. J. Calhoun | |
| 13. Felice Bright | |
| 14. Katie Smith | |
| 15. Mary H. Belmore | |
| 16. Nancy Smiley | |
| 17. Maple L. Colton | |
| 18. Gloria Stehla | |
| 19. Pally Jay Lee | |
| 20. Edw. Calvin Howell | |
| Ch. Howell | |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Vernie Ellis
Vaughn Williams
Clyde Jenson
SACATH Rik
James Bright
Joe Brown-

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Howard E. Goldsby	2722 Taylor St.
2. Gladia Shidkin	1824 Arvel Ave.
3. Jim Dorn	2805 Taylor St.
4. Louise Lewis	2808 Taylor St.
5. Charlie & Beverly	2808 Taylor St.
6. William Smith	2704 N. Millbrook
7. Michaela Masterson	2710 Millbrook
8. Celeste Myers	2702 N. Millbrook
9. Callary Thomas	2711 Millbrook
10. Dorothy Lous	2712 Millbrook
11. Barbara Pyon	121 Command St.
12. Willie Walker	5207 Cloverbank Dr.
13. Ruth Walker	3407 Liberty Dr.
14. Rev. Albert G. Walker	3407 Liberty Dr.
15. Leroi Brown	827 Woodview Blvd.
16. Barb Patterson	7510 Ensign Ct. SW
17. Curtis Brown	3612 S. Monroe St.
18. Wilbur Jeth	5630 motor on E. Wayne St.
19. Joyce Hansen	2511 S. W. 1st St. Ft. Wayne Ind.
20. Roda Woods	542 Pierce Ave. Ft. Wayne

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | | Name | Address |
|-----|----------------------|-------------------------------|
| 1. | Shelia Allen | 2714 Glenview Ave |
| 2. | Charles Powdster | 2603 Carver Cts |
| 3. | Carmelitta Spencer | 2305 OXFORD |
| 4. | Allice Morris | 2622 Riverbark Dr. |
| 5. | Shirley J. McElwaine | 2014 Catalpa St |
| 6. | Costella Dunbar | 4726 S. Anthony Blvd. |
| 7. | Dorothy Church | 3030 Alexander |
| 8. | Larry Jackson | 2811 Millbrook DR |
| 9. | Veronica Brown | 2619 Carver Ct. |
| 10. | Barbara Brown | 530 W. Berry St |
| 11. | Marcella Dunbar | 1725 Bright St |
| 12. | Ross Jordan | 6831 John Frost Bullope 46815 |
| 13. | Jayja Billingsley | 3115 Embassy Dr. |
| 14. | Wachin Sitt | 3252 Diplomat Dr. |
| 15. | Mary L. Horne | 2226 Wapiti Trl |
| 16. | Ellie Mae Cooper | 8931 Redfield Dr |
| 17. | Johnnie MacKee | 3605 Reed St |
| 18. | | |
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| 20. | | |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Deann McEraw	2611 Carver Ct.
2.	Doris Petty	7227 Riverston City
3.	Kathy's Dunbar	3721 Robinwood City
4.	DeLo	
5.	Lashonne Petty	7227 Riverston City
6.	Magnolia Moore	1418 DuBois City
7.	Wilma Leichen	2117 Crescent
8.	Blench Clancy	1712 Venturian Street
9.	Rosemar Alexander	
10.	Mercedes C. Carter	
11.	Delores Pottor	3410 Killie St.
12.	Marcella Dunbar	1725 Bright St.
13.	Almeta Hanston	1114 Liberty
14.	James D. Wilb	7510 Ensign Ct. 46816
15.	Clay Jackson	3126 Smith St.
16.	Shirley Williams	1824 DuBois
17.	Daniel Dunbar	4726 S. Anthony
18.	Brenda Moore	1209 Summit St.
19.	Mary Petty	7227 Riverston City
20.	Esther Petty	5630 Mateo Dr.

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Mr. J. F. Messenger R. F. Messenger	4518 Cleveland Ave 46809
2. Mr. J. F. Messenger R. F. Messenger	1907 Brown St., 46802
3. Mr. J. F. Messenger R. F. Messenger	5123 Ardmore Av. 46809
4. Laetta M. Smith	4136 Conington Rd. 46804
5. Ruth J. Dwyer	1010 W. Parkard 46807
6. Shirley Hamilton	2220 Dunhalberg Rd 46819
7. Mr & Mrs Carl H. Harz	2202 DALE DR. 46819
8. Mrs. Virginia Messenger	4518 Cleveland Ave 46809
9. Edith L. Tesala	1907 Brown St 432-4177
10. Helen Hughes -	2127 Wagonwheeler 46809
11. Ernest J. Smith	2139 Taylor St
12. Ross Pinkerton	2962 Charlotte 46805
13. Laura Reeves	2510 Carlton ct 46802
14. Lola Hamilton	275 E Hoover
15. Jim HATFIELD	7205 BEATTY AVE
16. Margaret Kelley	8322 Hawk Spring Hill
17. Dave Kelley	8322 HAWK SPRING HILL
18. Gerald Toor	4747 Kyle Rd
19. Betty Jane Osborne	4887 W. Jefferson Blvd.
20. Kathryn VanZant	431 Fairwick La

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Burnice Toor
Bonnie Pett

4747 Kyle Rd.
2136 Brooklyn av.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Elizabeth Kinnic</u>	<u>2161 Eden apt 10-B</u>
2. <u>Sherry Hater</u>	
3. <u>Rosie Key</u>	
4. <u>Darrell Beachum</u>	
5. <u>Hartney Gentry</u>	
6. <u>Barbara J. Hale</u>	<u>3527 Oliver St.</u>
7. <u>Minnie Harrison</u>	<u>5214 Stoneledge</u>
8. <u>Miss Lucille Pollard</u>	<u>3403 Reynolds St</u>
9. <u>Mr Oliver Pollard</u>	<u>3403 Reynolds St</u>
10. <u>Nissa Brown</u>	<u>16002 Washington Blvd. Box 22</u>
11. <u>Jackie Phillips</u>	<u>4530 Austin Dr.</u>
12. <u>Jellie Phillips</u>	<u>2017 S. Bass St</u>
13. <u>Bob Johnson</u>	<u>5014 Reed St.</u>
14. <u>Joseph Johnson</u>	<u>5014 Reed St</u>
15. <u>Larry Mitchell</u>	<u>3810 17 Newport</u>
16. <u>Maxine</u>	<u>1023 Summit</u>
17. <u>MARVIN Wesley</u>	<u>4406 Stratford Dr 46816</u>
18. <u>Delores Wesley</u>	<u>4406 Stratford Dr 46816</u>
19. _____	
20. _____	

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Velma Morth</u>	<u>915 E. Washington</u>
2. <u>Patrick Robinson</u>	<u>8509 Bridgeway Dr.</u>
3. <u>Sandra Robinson</u>	<u>11 11</u>
4. <u>Helen Sullivan</u>	<u>7423 Cold Springs Blvd</u>
5. <u>Sharon Shaw</u>	<u>4033 Warsaw St.</u>
6. <u>Edythe H. Wesley</u>	<u>4404 Franklin Drive</u>
7. <u>Faulette Davis</u>	<u>308 Three Rivers E.</u>
8. <u>Mary A. Bright</u>	<u>3004 Ashcroft Dr.</u>
9. <u>Rob Glenda Griffin</u>	<u>1696 Hobson Rd</u>
10. <u>Willie A. Curtisson Bright</u>	<u>3004 Ashcroft Dr.</u>
11. <u>Shauna Kay Barnes</u>	<u>9117 Eastern Trail</u>
12. <u>Delinda & Gini King</u>	<u>2702 Day St</u>
13. <u>Doraa Ben Walid</u>	<u>Monroe</u>
14. <u>Donna King</u>	<u>Wayne Trace</u>
15. <u>Louis Gordon</u>	<u>915 Shelley Ave</u>
16. <u>Griffin</u>	<u>5231 Holton</u>
17. <u>Patrick McKinnis</u>	<u>Wayne Trace</u>
18. <u>Sandy Payton Ken</u>	<u>Wayne Trace</u>
19. <u>Annie Jackson</u>	<u>Bowser Ave</u>
20. <u>Idell Louder</u>	<u>Leith Street</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Berry Washington</u>	
2. <u>Donald High</u>	
3. <u>Orl Hogan</u>	5130 Christopher Ln
4. <u>Stephanie M Williams</u>	1013E. Berry St
5. <u>Nate Liller</u>	2541 S Hanna St
6. <u>Dallas Fisher</u>	1323 Grant St
7. <u>Clamp Wyatt</u>	3075 Clinton
8. <u>Joe Thur</u>	5320 Place, Fort Wayne In
9. <u>Deborah Brown</u>	" " "
10. <u>Maristella Kelly</u>	1134 E Lewis St Waco,
11. <u>Thomas Datter</u>	7114 Pelkirk Dr
12. <u>Dayl Wells</u>	5925 Raywood Dr.
13. <u>Ruth Kendrix</u>	6211 Lombard Lane Dr.
14. <u>Zena Jucker</u>	1829 Bear Paw Dr
15. <u>Donald Williams</u>	906 OAKLAND APTS
16. <u>Alice Taylor</u>	2508 Belvoir Dr. 46806
17. <u>Monica Lake</u>	3935 Abbott 1 4684
18. <u>Sarah Simpson</u>	2915 Abbott
19. <u>Paula Walker</u>	4570 Strathmore Dr. 46816
20. <u>Brenda Lecher</u>	3405 Smith St.

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | | Name | Address |
|-----|------------------|--|
| 1. | Bryan L Davis | 264 Cheri Court, Ft. Wayne |
| 2. | Jeff White | 804 Eliza |
| 3. | Jimmie White | 6059 Buut FIVEWE IN |
| 4. | George Brown | 5320 PLAZA DR |
| 5. | Dora L. Emerson | 4755 Heatherwind Dr. Wayne |
| 6. | Nikki Waters | 4016 Wayne Trace |
| 7. | Walter Puoster | 3401 Smith St Fort Wayne |
| 8. | Hermie Priester | |
| 9. | Diane Paige | 3325 Beatrice Fort Wayne, IN |
| 10. | Mildred Phillips | 3415 Winter St. Ft. Wayne Ind 46806 |
| 11. | Alvin Bates | 4421 Reighton Lane Ft. Wayne Ind 46816 |
| 12. | Allerta Heuser | 2902 Wensor Park Fort Wayne Ind 46806 |
| 13. | Alice Bennett | 3318 Smith St. Ft. Wayne Ind 46806 |
| 14. | Maurine Hughes | 5009 Yorkshire Dr. Ft. Wayne 06 |
| 15. | Mary McHugh | 1122 Echart St |
| 16. | Walter G. G. G. | All Francis St |
| 17. | Ray C. G. G. | 3009 McCormick Ave. |
| 18. | Debra L. Adams | 4415 Reed St Ft. Wayne 46806 |
| 19. | John Waters | 4016 Wayne Trace |
| 20. | Claretha Custer | Maple Grove |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Stephanie Dance	2109 Chertwell Dr
2. Michael Wespan	2109 Chertwell Dr
3. Sharmella Turnage	4053 Oliver
4. Sheila Flare	331 Arcyle Dr.
5. William Lyons	5110 Salem Ln
6. Zuen Lyons	5110 Salem Ln
7. Yolanda Smith-Lyons	4502 Atwood Dr
8. Lyma W. Gibson	3213 Smith
9. Qualls Hall	835 Hamilton Ave
10. Beverly Atkins	4327 Queen
11. Robert Atkins	2319 Bolton
12. Clarence Warren	2815 Dellwood Dr
13. Steve Davis	4504 Wesley Dr
14. Barbara Shumard	3318 Abbott St.
15. Dorothy William	2316 John St
16. Arthur Chambers	930 Woodlawn
17. Roy Simon Williams	6025 Kenna
18. Atkins Burwood	574 Buchanan
19. Mr Mrs Cynthia Mitchell	3217 Hector Ave
20. Elton D. Rogers	(010)

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | | Name | Address |
|-----|--------------------|-------------------------------------|
| 1. | Bernard A Brown | 2560 Harvale Dr. |
| 2. | Shirley G. Wells | 325 Rainwood |
| 3. | Billy Glines Oraby | |
| 4. | Arny Wator | 8140 4th Lane |
| 5. | Shelia Cury | 1235 Petite |
| 6. | Lynnda McFarland | 2633 Rivercove |
| 7. | Cara D. Causey | 915 E. Washington Blvd. |
| 8. | Normita D. Moore | 4117 Western Castel Rd |
| 9. | MCCHRISTIAN | |
| 10. | Ortha Smith | 4502 Alwood Dr |
| 11. | Ortha Smith | 3405 Alexander |
| 12. | M. Jones | Henry Washington 2532 Lardine St. |
| 13. | Valricew Follins | 2703 Offord |
| 14. | Walter R. Kuhn | 312 E. Butler St 46803 |
| 15. | Bertha Moore | 535 E. Leitch St |
| 16. | Ruth Can | 2606 Palisade Dr 46806 |
| 17. | Edison Can | 2606 Palisade Dr 46806 |
| 18. | Spilay Wilson | 921 FRANCIS ST ^{APT} 46803 |
| 19. | Lucile Wilson | 3220 Oliver St 46802 |
| 20. | Frances Halliday | 916 Francis St |
| 21. | Essie Underwood | 1507 Summit St. |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|-----------------------------|------------------------------|
| 1. Pastor Jesse White | 3329 Heritage Dr |
| 2. Eva Whistman | 3214 Oliver Street |
| 3. Verma Hallen | 23 23 Oxford St. |
| 4. Rhonda A. White Sharp | P.O. Box 13277 Ft Wayne |
| 5. Rev. Astor Chavis | 2032 Carterton Dr. |
| 6. Sharon Allen | 4511 Plaza Dr. |
| 7. Judy Martin | 4037 Wrenaw |
| 8. Ella Holder | 1015 Woodview, Bluff |
| 9. Lucena Dade | 1445 Baltz |
| 10. Mr & Mrs Joseph Webster | 827 Hawthorne St |
| 11. Sarah Bratton | 2917 Central Dr |
| 12. Monice Black | 2034 Carterton Dr. Ft. Wayne |
| 13. Sherri Emerson | 4755 Heather Dr. Ft. Wayne |
| 14. Carolyn L. Simley | 5225 Fairfield Ave Ft Wayne |
| 15. W.P. Coats | 2932 Helton Ave Ft Wayne |
| 16. Annie Stewart | 5110 Plaza Dr. Ft. Wayne |
| 17. Chaei Ruzgova | 2621 Stinson Dr |
| 18. Herschel Lillard | |
| 19. Rhonda Hallworth | 4747 Hassen Canal |
| 20. Mabel Webb | 4032 S. E. Dr. Ft Wayne |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <i>Dellie Chambers</i>	<i>930 Wood View Blvd</i>
2. <i>Frank A. Lange</i>	<i>5609 Smith St</i>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Melvin C. Moore	4410 Winston Drive
2.	Louise King	1527 Fayette Dr.
3.	Charles R. Thompson	3924 South Park Dr. 46806
4.	Edith Trice	2215 Dalman Dr.
5.	Mrs. Judith Stallings	3120 Queen St 46806
6.	Glady Blyer	2002 Chantwell 46816
7.	Wanda Ealy Bratton	1415 White St. 46803
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | | Name | Address |
|-----|-----------------------------|------------------------------|
| 1. | Janney Hatch | 2720 E. Paulding Apt 7 |
| 2. | Robert Taylor | 2225 Chestnut |
| 3. | Andrea Estes | 2606 River Cove Ln 4682 |
| 4. | Janet Ames | 2720 E. Paulding Apt H 46816 |
| 5. | Julia Fashare | 5910 Hessen Cassol |
| 6. | Dr. Warren P. Endy | 3428 South Wayne Ave 46807 |
| 7. | Mrs and Mrs. Elbert Webster | 2031 Foxe Dr. 46816 |
| 8. | Germine Phillips | 724 E. Rudwell Bldg |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Cave Johnson</u>	<u>10106 Donald Leo</u>
2. <u>Leo's [unclear]</u>	<u>901 W. CREIGHTON AVE. FT. WAYNE, IN.</u>
3. <u>Margie Graham</u>	<u>7615 Vermont St. Ft. Wayne, Ind. 46816</u>
4. <u>Shadys Etchison</u>	<u>3534 Centerville St. Wayne, IN 46806</u>
5. <u>Kenneth E. Clark</u>	<u>2024 Ida Ave 46808</u>
6. <u>DR. Johnson</u>	<u>10106 Donald Leo</u>
7. <u>Elva Gasfill</u>	<u>414 W. Wildwood St. Wayne '07</u>
8. <u>Gualdine Royce</u>	<u>831 Zimstra Ave Ft Wayne 07</u>
9. <u>Dorallynn & Doreen Broderick</u>	<u>2509 [unclear] 07</u>
10. <u>Virginia [unclear] Adams</u>	<u>3101 Northside Dr (46805)</u>
11. <u>Ernie & Charles Dunsford</u>	<u>2415 Mines St. 46807-1151</u>
12. <u>Roger A Bender</u>	<u>4515 Live Huntington Rd 46809</u>
13. <u>Martin R Bender</u>	<u>4515 Live Huntington Rd 46809</u>
14. <u>Louise Hull</u>	<u>5730 Loio Lane Ft. Wayne 46804</u>
15. <u>Angie Dull</u>	<u>6310 SAWMILL WOODS DR 46835</u>
16. <u>Sylvia Mueser</u>	<u>4086 Hesse Cassel Rd. 46806</u>
17. <u>Smith Leichner</u>	<u>4120 South Wayne 46807</u>
18. <u>Nancy Blum & family</u>	<u>1119 1/2 Maple St. 46807</u>
19. <u>Catherine E. & H. Henry Mene</u>	<u>7510 Tippecanoe Tr. Ft Wayne 46815</u>
20. <u>Jane J. Johnson</u>	<u>PO Box 44 46745</u>
21. <u>Mike & Cora Ann</u>	<u>PO Box 44 46745</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Donald R. Rusk</u>	<u>1323 SYCAMORE FT.W.</u>
2. <u>Phyllis Stotler</u>	<u>726 Milton St 46806</u>
3. <u>Don M. Sculley</u>	<u>2821 SandPoint 46809</u>
4. <u>Beverly K. Barron</u>	<u>3810 Allegany Ave 46809</u>
5. <u>Liz Bradford</u>	<u>2309 Graham Dr. - City 46818</u>
6. <u>Kenneth P. Ornerod</u>	<u>2125 N. ANTHONY BLVD 46805</u>
7. <u>Gloria Reid</u>	<u>1323 Sycamore Dr 46825</u>
8. <u>Linda Skelbert</u>	<u>3737 Shawatha Blvd</u>
9. <u>Don W. W. W.</u>	<u>6814 Heather Dr.</u>
10. <u>Dennis Barron</u>	<u>2810 Allegany Avenue 46809</u>
11. <u>Terry K. Zoller</u>	<u>2578 Vance Avenue 46816</u>
12. <u>Phil W. W.</u>	<u>5309 Hargland Rd. 46845</u>
13. <u>Malvin W. Schrader</u>	<u>2106 Deal Ave 46809</u>
14. <u>Marvin W. Howell</u>	<u>5209 Arrowhead Pass 46809</u>
15. <u>Henry L. Starnell</u>	<u>5209 Arrowhead Pass Ft. Wayne, Ind 46809</u>
16. <u>Alvin W. W.</u>	<u>2816 Old Orchard Hill 46804</u>
17. <u>Winifred Ornerod</u>	<u>6032 W. Hamilton Rd.</u>
18. <u>Mrs Jim Newton</u>	<u>4409 Bridgton Run 46804-4808</u>
19. <u>Jana D. Lindley</u>	<u>2309-18 Point West Dr. Ft. Wayne, IN. 46808</u>
20. <u>DAWN R. WESTFIELD</u>	<u>8018 PEPPERWOOD CT. FT. WAYNE, IN. 46815</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

←over→

21. ~~Monmouth Premier 2809 28 Point West Dr. H. Wayne, N. 46808~~
22. ~~Deer of Swallow 2824 3000 Buck Ln. PO Wayne, 46815~~
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STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|------------------------------|---|
| 1. <u>Hannette Freeman</u> | <u>230723 Point West Dr Ft. Wayne, IN 46808</u> |
| 2. <u>Diane S. Swalley</u> | <u>2824 Brian Buck Ln. Ft. Wayne IN 46815</u> |
| 3. <u>Harry D. Davis</u> | <u>1211 W. Sider, Rpt. Ft. Wayne In 46821</u> |
| 4. <u>Connie Lou Mann</u> | <u>1211 W. Ludwig Rd. " "</u> |
| 5. <u>Mary Jo Weaver</u> | <u>5633 D. South Wayne 46807</u> |
| 6. <u>Luile Re Dow</u> | <u>1111 Michigan Ave, Ft Wayne 46802</u> |
| 7. <u>Bob Schmitt</u> | <u>2801 Ridge Valley Dr, " 46804</u> |
| 8. <u>Andy Maucher</u> | <u>5309 Hoagland Rd Hoagland 46745</u> |
| 9. <u>Elmer Maucher</u> | <u>706 Night FxLL Rd Cnty 46819</u> |
| 10. <u>Irving Maucher</u> | <u>6814 Heatherbnd Dr. A Wayne 46819</u> |
| 11. <u>Royce Tol</u> | <u>2827 West Brook St Ft Wayne 46805</u> |
| 12. <u>A. Shirley Mynatt</u> | <u>2827 West Brook St. Wayne, 46805</u> |
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Reorganized Church of Jesus
Latter Day Saints

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on
the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|--------------------------------------|---|
| 1. <u>Ellis A Smith</u> | <u>3509 Springbrook Dr</u> |
| 2. <u>W.D. Whinn</u> | <u>5325 Porta Tr</u> |
| 3. <u>Jane Sanlin</u> | <u>3001 Ashcroft Dr 46806</u> |
| 4. <u>Frances & James Senier</u> | <u>2111 Gifford St.</u> |
| 5. <u>Tina Edwards</u> | <u>1717 Maplecrest # 33,</u> |
| 6. <u>Madeline L. Edwards</u> | <u>5005 Sweetwater Place</u> |
| 7. <u>Maureen L. Blanchard</u> | <u>9323 Lima Rd.</u> |
| 8. <u>Eudora Blanchard</u> | <u>9223 Lima Rd.</u> |
| 9. <u>Roger Dan Edwards</u> | <u>5005 Sweetwater Pl 46835</u> |
| 10. <u>James A. Nelson</u> | <u>5611 Littlefield Rd 46835</u> |
| 11. <u>Robert M. Wisner</u> | <u>9705 Ill. Rd. Ft. Wayne 46804</u> |
| 12. <u>Rachy Miller</u> | <u>5316 Woodway Dr. Ft. Wayne 46835</u> |
| 13. <u>Medge Kacop</u> | <u>2712 Whitegate 46805</u> |
| 14. <u>Ed Jones</u> | <u>2716 Busch Dr. 46805</u> |
| 15. <u>Dennis A. Fox</u> | <u>1405' Barn Ct. Auburn, IN 46706</u> |
| 16. <u>William D. Wisner</u> | <u>9705 Ill. Rd. Ft. Wayne, IN.</u> |
| 17. <u>Alycia L. Smith</u> | <u>3509 Springbrook Dr 46815</u> |
| 18. _____ | _____ |
| 19. _____ | _____ |
| 20. _____ | _____ |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne,
Indiana 46802 by October 25, 1994.

Fort Wayne Friends

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Dianne Kuhn	2320 Springmill Rd.
2. Kevin C. Pherry	6557 N. Clinton St.
3. Stephanie Hagmann	11631 Westwind Dr.
4. Kristie Jacobs	9833 Tiffany Drive
5. Miles L. Joseph	300 W. Perry St. Apt. 10-B
6. Ronald L. Kuhn	2320 Springmill Rd.
7. D. Ant Hagmann	11631 Westwind Dr.
8. Ant 7827	1011 Oneir 8630 Deer Brook Pl.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Alfred Price	3208 Rodgers
2. John Wagner	2522 Birchwood
3. Mary Lou Harris	7640 Duane Dr.
4. Sherry Harris	2040 Duane
5. Lloyd & Bonnie Layton	3629 Wentworth
6. John Sawcuk	2516 Barnhart
7. Paul Herzig	3315 Brook Valley Pl.
8. Steve & Julie Reese	2017 Sunnyvale Dr
9. Claude Marks	2602 Mauldin
10. Dave & Nancy Binkley	3332 New Home Ave.
11. Billy G. Allen	6016 Loislane St. Wayne
12. Melba M. Allen	6016 Lois Lane J.W.
13. Joan M. Binkley	3331 Logan Ave. Ft. Wayne
14. Max Wanner	5334 Cloverbrook Dr. 46806
15. Rachel C. Wanner	5334 Cloverbrook 46806
16. Jerry A. Hetrick	2219 KENINGTON BLVD 46805
17. Barbara E. Belote	4219 Patrick Dr 46808
18. Patricia C. Gieruff	4134 S. Hanna 46806
19. Esther Brown	2516 Corby Drive 46815
20. Jamie Bennett	432 Violet St 46807

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Jody Vining	1016 PAPE AVE. FT. WAYNE 46808
2. John C. Hunt	6717 Skyline Dr.
3. Lois Butcher	4008 Turf Ln. Ft. Wayne 46804
4. Barbara Callender	4717 Skyline Blvd.
5. John M. Rodwald	708 KINSMOOR AVE., FT. WAYNE, 46807
6. Quincy L. Hadden	2231 Cleodette Ave, Ft. Wayne, 46805
7. John C. Hunt	5962 St. Joe Rd. Ft. Wayne 46805
8. Rick Braun	4028 Willshire Est Dr Ft Wayne 46815
9. Barb Butcher	1232 Baywood Ave. New Haven 46724
10. Diane Kiefert	5015 Willowbrook Dr., Ft. Wayne 46835
11. Ralph Pittman	2521 White Oak Ave Ft. Wayne Ind 46805
12. Quincy L. Hadden	2231 Cleodette Ave, Ft. Wayne 46805
13. John Pannik	8502 Maple Bluff Ct, New Haven 46724
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Dorothy Tompa	2202 Thompson Road
2. Roll and Mommer	4844 Woodford Dr
3. Pauline Crestine	2702 CLARA AV.
4. Jack Butcher	4008 Tarlane
5. Thomas Schenker	1636 Woodland
6. Susan Finner	2412 Forest Park Blvd
7. Pat W Miller	2412 Forest Park Blvd Fort Wayne
8. Lawrence H Davis	4841 Woodford Dr Ft Wayne
9. Allen Roberts	4841 Woodford Dr Ft Wayne
10. John Rodman	708 KINSMORE, FT. WAYNE 46807
11. Janet Shaffer	4716 Maple Terr. Ft Wayne 46835
12.	Pkwy.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Ronald E. McCoy</u>	<u>4430 Kroll Rd 46809</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Noble C. Hiltz	4525 Knoll Rd
2.	Chas. M. Humphreys	1128 Buchanan
3.	Harold A. Gubers	3572 Rolston Dr.
4.	Betty Gubers	3532 Rolston Dr.
5.	Louis Thubolt	5921 Decatur Rd
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	<u>Henry Schneider</u>	<u>1736 Ellendale Dr. 46808</u>
2.	<u>Fred Jammel</u>	<u>309 French Rd 46801</u>
3.	<u>Helen Momm</u>	<u>4844 Woodfern Dr 46835</u>
4.	<u>Wade Crutcher</u>	<u>2202 OAKA AVE</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	<u>Lucas J. Rivers</u>	<u>9622 Buck Ct. 46804</u>
2.	<u>Jack Darr</u>	<u>3524 Owensby way 46809</u>
3.	<u>Dwight A. Jones</u>	<u>1123 Pemberton Dr. Ft. W. 46808</u>
4.	<u>John Rodenwald</u>	<u>707 Kenamon Flw. 46807</u>
5.	<u>Wilfred E Vogt</u>	<u>6510 Sunland Dr. SW 46815-5744</u>
6.	<u>Marie Davis</u>	<u>1010 Archer Ave.</u>
7.	<u>Marlene L. Terry</u>	<u>P.O. Box 589 Cassin 46877</u>
8.	<u>Cathy M. Ziegler</u>	<u>306 W. Roe, Ft. Cassin Ind</u>
9.	<u>Donald Ulrich</u>	<u>4318 Hillgas Rd Ft. Wayne 46808</u>
10.	<u>R. Ulrich</u>	<u>4318 HILLEGAS RD FT WAYNE 46808</u>
11.	<u>Steven J. Butcher</u>	<u>1232 Baywood Dr. Ft. Wayne Ind</u>
12.	<u>Sharon Baugh</u>	<u>3531 E. Dupont City 46825</u>
13.	<u>Betty Odegaard</u>	<u>7254 Lakewood Dr Ft Wayne 46819</u>
14.	<u>Ralph Ritter</u>	
15.	<u>Edythe Ritter</u>	
16.	<u>Th. Mrs. Laurene Baugh</u>	<u>1116 - Buck St Ft Wayne</u>
17.	<u>Mr. & Mrs. James O. Perry (Reg)</u>	<u>1165 Cherokee Rd 46808</u>
18.	<u>David Thum</u>	<u>1016 Pope Ave 46808 Ft. Wayne</u>
19.	<u>Joseph Mauer</u>	<u>6822 Lakeside Ct Ft Wayne Ind 46816</u>
20.	<u>Don Roberts</u>	<u>3726 Ferndale Dr Ft Wayne 46815</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

Extra Names
for meeting
tonite

Jan (St Johns)

with extra names

Carole S. Kierape
1616 Ardmore

{ Michael McLaughlin

{ Carol
10222 Lower Huentington Rd
(Rockvale)

Marta Lawler
8607 Kinross Rd

Don F. Noland
8436 Santasia Rd

Bob Brown
1423 Pacific Dr.

Janice Rodenwald
4926 Hawthood

Kenneth Hebel
2909 Glenwood

Bradley Hallie
2710 Broadway

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Steven P Robinson</u>	<u>738 RIVERSIDE AVE</u>
2. <u>Mrs Waters</u>	<u>2933 Emerson Ave</u>
3. <u>Jarah Clewenger</u>	<u>1835 W 4th Ft Wayne</u>
4. <u>Don Clewenger</u>	<u>1835 W 4th Ft Wayne 46808</u>
5. <u>Donald L. Horace</u>	<u>3830 Bass Rd Ft Wayne 46808</u>
6. <u>Paul Howe</u>	<u>3830 Bass Rd Ft Wayne 46808</u>
7. <u>Gabe Monley</u>	<u>3816 Greenwood Ave 46808</u>
8. <u>Lois J Connors</u>	<u>1702 Third Street 46808</u>
9. <u>Marcella Jennill</u>	<u>2819 Maydignashen 46808</u>
10. <u>Virginia Roberts</u>	<u>3112 Pittsburg St 46803</u>
11. <u>Kyle Kensill</u>	<u>4615 N 550E Churchwood, 46723</u>
12. <u>Doug Kensill</u>	<u>" "</u>
13. <u>Larry Kensill</u>	<u>1018 Vance Ave.</u>
14. <u>Mary Hatch</u>	<u>5304 W. Hamilton Rd., Ft. Wayne, IN 46804</u>
15. <u>Phil J. Kott</u>	<u>" "</u>
16. <u>Pat Goodin</u>	<u>1360 W Schubeck Rd.</u>
17. <u>Mike Goodin</u>	<u>" " " "</u>
18. <u>Jack Soy</u>	<u>1016 Oakland St Ft Wayne Ind 46808</u>
19. <u>Alvie Soy</u>	<u>" " " "</u>
20. <u>Stanley Kuehmont</u>	<u>6903 Cool Rd Ft Wayne 46818</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Easter Longley</u>	<u>140 W. Hump Rd. Ft. Wayne</u>
2. <u>Dwain W. Nford</u>	<u>724 Oakdale</u>
3. <u>Cynthia Belle</u>	<u>821 Aurora Knoll</u>
4. <u>Angie J. Henderson</u>	<u>8617 Sunset Pl.</u>
5. <u>Bob S. Gordin</u>	<u>201 W. Pine St.</u>
6. <u>Carol K. K. K.</u>	<u>75 Arbor Dr.</u>
7. <u>St. Anderson</u>	<u>2100 St. Marys Ave.</u>
8. <u>Corrie M. Hartman</u>	<u>1424 1/2 N Harrison</u>
9. <u>Tony J. Harrison</u>	<u>1424 1/2 N Harrison</u>
10. <u>Ann M. Palmer</u>	<u>1428 N. Harrison St. Ft. Wayne</u>
11. <u>Russell J. Palmer</u>	<u>1420 N. HARRISON, Ft. Wayne</u>
12. <u>Kathy Campbell</u>	<u>3608 Algonguin Pass Ft. Wayne</u>
13. <u>John Reel</u>	<u>11</u>
14. <u>Steve Bennett</u>	<u>25030 Bakus Rd. Monroeville</u>
15. <u>Tommy Bennett</u>	<u>25030 Bakus Rd. Monroeville</u>
16. <u>Besa Shyrt</u>	<u>1903 Olladale, Ft. Wayne</u>
17. <u>Wayne Shyrt</u>	<u>1903 Olladale, Ft. Wayne</u>
18. <u>Carol Kuchert</u>	<u>6903 W. Cook Rd. Ft. Wayne 46878</u>
19. <u>Mark Miller</u>	<u>2230 24th Ave. Ft. Wayne 46802</u>
20. <u>Spina Boudard</u>	<u>6317 E. Hills Rd. Ft. Wayne</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

IN 46304

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Betty Kunkle</u>	_____
2. <u>Alice Brown</u>	_____
3. <u>Robert E. Clark</u>	<u>1233 Clark St Ft. Wayne Ind 46808</u>
4. <u>Eather Clark</u>	<u>1233 Clark St Ft Wayne Ind 46808</u>
5. <u>Ann Maddox</u>	<u>7108 Antebellum Ft Wayne IN 46815</u>
6. <u>Kathy Maddox</u>	<u>7108 Antebellum, Ft Wayne, Ind 46815</u>
7. <u>Barrett Lloyd</u>	<u>3717 andmore ave. Fort Wayne 46802-4237</u>
8. <u>Kathy Carter</u>	<u>5103 Waller Rd " " 46818</u>
9. <u>Mark Carter</u>	<u>5103 Waller Rd Fort Wayne 46818</u>
10. <u>Russell J Carter</u>	<u>6024 Allenwood Dr Fort Wayne 46835</u>
11. <u>Roy + Violet Eger</u>	<u>3017 Getz Rd.</u>
12. <u>Neil Hubert</u>	<u>6327 Barbours Dr Ft. Wayne 46825</u>
13. <u>Jim Rowland</u>	<u>6317 East Hills Rd Ft. Wayne 46804</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Scott Caruthers	1817 Spring Street
2.	Dina Egeman	717 Riverside Ave.
3.	Donna J. Minnick	1735 Katana Pl.
4.	Brett J. Williamson	1501 High St.
5.	R. J. Smith	1122 Normandale Dr.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Wilbur Blessing	5015 Playa Dr. 46806
2. Edith Blessing	5015 Playa Dr. 46806
3. Agnes Becher	609 Elmer Ave - 46808
4. Delores Priest	3015 Jennifer R 46816
5. George R. Diamond	2502 Vance Ave 46805
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	James Hines	261 E. Maple Grove Ave
2.	Gene Sullivan	4014 Tacoma Ave.
3.	Duane Riley	4401 Marquette Dr.
4.	Andrea Dixer	218 W. Peth't Ave
5.	Tom Roehrig	113 MULBERRY MONROEVILLE, IN.
6.	Judy Roehrig	" " " "
7.	George Fitzgibbon	2018 Cherokee Road
8.	Teresa Riley	4401 Marquette Fort Wayne
9.	Brenda Hines	261 E Maple Grove Ft Wayne
10.	Kathy Foreman	262 Glenwood Ave. Ft. Wayne
11.	Maryann Minartz	4503 Winter St. Ft. Wayne.
12.	Jay E. Miller	7414 Bradbury Ave Ft. Wayne
13.	Cynthia Sendelet	4235 Schwanitz Rd N. Wayne, IN
14.	Patrick D. Sheld	3205 CUNION CT. Ft. Wayne IN
15.	Samuel Gagnon	262 Glenwood Ave. Ft. Wayne IN
16.	Robert S. Smith	7555 Dixie Rd Ft Wayne IN
17.	James E. Spach	4235 SCHWANITZ RD Ft Wayne IN
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Eugene E. Vickery	5102 Dayward Dr. F.W. 46806
2. Joseph Yates	1818 E. Leon St. F.W. 46819
3. Robert E. Goodhue	1728 Maplewood Pl. F.W. 46819
4. Miriam Goodhue	" "
5. Shirley Henry	2814 Prairie Grove F.W. 46809
6. Eugene Ramsey	5310 Fernwood Ave. F.W. 46809
7. Ahyllis Hefhardt	8612 Timbermill Pl. F.W. 46804
8. Richard Shall	7604 Buckenwood F.W. 46819
9. Bertha Reber	822 Philly Ave F.W. 46806
10. Virginia Byroade	4629 Wayne Trace F.W. 46806
11. Alvin I. Byroade	4629 Wayne Trace F.W. 46806
12. Marcelle Foreman	4125 Springwood Dr. F.W. 46815
13. Jennie Yount	7229 Michaels Av. F.W. 46802
14. Kim Rieckel	4517 WERLING DR. F.W. 46806
15. Larry M. [unclear]	7301 SPRINGHILL DR. F.W. IN 46819
16. Lois Marguerite	4701 Lafayette Cir. F.W. 46806
17. Gary W. Wright	4832 S. Hanna F.W. 46806
18. Helen M. Wright	4832 S. Hanna F.W. 46806
19. John P. [unclear]	1119 Monroe St. F.W. 46807
20. Alice Cordero	809 E. [unclear] F.W. 46806

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Beverly J. Linn	5325 Webster St
2. Richard C. Linn	5325 Webster St.
3. Delores Vielhaues	5119 Hanna St.
4. Mary E. House	811 W. Schwald
5. Blair R. McWhain	4302 MIRADA DR.
6. Elaine Munnma	7710 Penitile Dr.
7. Tauntine Ellis	6308 Downingtown Dr.
8. Makine Zotee	1828 Eiken Pl.
9. Russell T. Munnma	7710 Pinedale Dr.
10. Mary Huggis	3217 S. Harrison
11. Lester L. Rene	3217 S Harrison
12. Jean Secrest	2210 Beacon St. apt 424
13. Helen Berzant	4206 Abundant Dr.
14. Norma Vickery	5102 Maywood Dr.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

- | Name | Address |
|----------------------------|---|
| 1. Jack Bayce | 1426 Asbury Dr New Haven, In. |
| 2. Jane Knapczyk | 1426 Asbury Dr. New Haven, IN |
| 3. Edward R. Knapczyk | 1426 Asbury Dr. New Haven, IN |
| 4. Donald & Sharon Fralich | 2411 N. Clinton St FtW, IN |
| 5. Delmas Craig | 6718 Georgetown BLN. FT. WAYNE |
| 6. BARBARA BAYSE | 1426 Asbury DR. NEW HAVEN - 46774 |
| 7. R. Ed Shouemier | 5524 Wilford Dr. Ft Wayne Ind 46804 |
| 8. Lyla Bell | 5229 Forest Ave Fort Wayne IN 46815 |
| 9. ARNOLD MILLIRON | Box 80196 Ft. Wayne, Ind. 46898 |
| 10. Robert & Sturges | 1402 Sunshine Ft Wayne Ind 46825 |
| 11. Jeannette & Sturges | 1402 Sunshine Ft Wayne Ind 46825 |
| 12. Mike L Sturges | 1402 Sunshine Ft Wayne Ind 46825 |
| 13. Jonathon L Sturges | 1402 Sunshine Ft Wayne Ind 46825 |
| 14. Elizabeth L Sturges | 1402 Sunshine Ft Wayne Ind 46825 |
| 15. Vickie Selzer | 3518 Ferndale Dr. Ft. Wayne Ind. 46815 |
| 16. Steven Selzer | 3518 Ferndale Dr. Ft. Wayne Ind. 46815 |
| 17. Bob & Judy Adams | 17827 Bishop Rd, Spencerville, IN 46188 |
| 18. Todd Gentry | 140 E. ESSEX LANE Ft Wayne IN 46825 |
| 19. Faith R. Gentry | 140 E. Essex Lane Ft. Wayne '25 |
| 20. Darlene Bowling | 5917 E. State Blvd Ft. Wayne, Ind 46815 |

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Ruth Benjamin	5231 Eastview Dr. Ft. Wayne, Ind. 46815
2. Steve Bowling	5917 E. State Blvd. Ft. Wayne, Ind. 46815
3. Gary L. Rogers	8143 Main St. Kendall Ind. 46255
4. Bruce Lippert	7230 Karen Ct. Fort Wayne Ind. 46835
5. Martha Bowling	6110 Rock Creek " " " 46818
6. Shirley Rodriguez	6110 Rock Creek " " " 46818
7. Byron Kennedy	10002 Echo Valley Fort Wayne Ind. 46825
8. Irene Kennedy	10002 Echo Valley Dr. Ft. Wayne Ind. 46825
9. Boris Blum	1407 Spindlowood Dr. Ft. Wayne 46835
10. Deborah Driscoll	7230 Karen Ct. Ft. Wayne, Ind. 46835
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Virginia Preston	3801 Arlington - 46807
2. Bob Preston	817 W. Parkard J 46807
3. Leon Emmert	3002 Sandayoc Ln. 46815
4. Martha Emmert	3002 Sandayoc Dr 46815
5. Deloris M. Outtrim	2702 Linsdale 46808
6. Thelma Black	2536 Linsdale Dr 46808
7. Elizabeth Cooper	5605 Old Mill Rd. 46807
8. Neil Sowards	548 Home Ave 46807
9. Mildred Huber	2607-6 Abbey Dr. 46835
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Timothy L. Loggins</u>	<u>1835 Goodpastor Drive</u>
2. <u>Alice B. Reutler</u>	<u>3505 So. Washington Rd.</u>
3. <u>Alfred G. Moore</u>	<u>2606 Deerwood Dr.</u>
4. <u>Charles V. Cochrane</u>	<u>4316 S. Park Dr.</u>
5. <u>Margaret A. Cochrane</u>	<u>4316 S. Park Dr.</u>
6. <u>Stanley E. Ballinger</u>	<u>230 Rexford Dr.</u>
7. <u>Johnnie L. Ballinger</u>	<u>230 Rexford Dr.</u>
8. <u>Donald Dickson</u>	<u>2410 N. Anthony Blvd</u>
9. <u>Gleniella R. Gatz</u>	<u>610 W. Maplewood, Ossian 46777</u>
10. <u>Edward J. Gatz Jr.</u>	<u>610 W. Maplewood Dr. Ossian 46777</u>
11. <u>Baron D. Rush</u>	<u>8120 Sunny Ln Ft Wayne 46835</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

1. Fla Chase - 10017 arwood Ave - 46816
2. Thelma M. Yorman 826 Poplar St.
3. Lillian Lounaught 5939 N. Clinton Lot 29 46805
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>H. J. Allen</u>	<u>331 W. PACKARD AVE. FT. WAYNE, IN.</u>
2. <u>Therian Ann</u>	<u>331 St. Packard - Ft Wayne</u>
3. <u>Walter K. Hertzog</u>	<u>2717 PRISCILLA LN Ft Wayne</u>
4. <u>Billie Parker</u>	<u>3735 S Harrison St. Ft Wayne</u>
5. <u>Judy Thomas</u>	<u>3017 Kenwood Ave Ft Wayne</u>
6. <u>Robert E Thomas</u>	<u>3017 Kenwood Ave Ft Wayne</u>
7. <u>Wilbur L. Turner</u>	<u>3308 E. Maple Drive One Floor</u>
8. <u>Prescilla Tamm</u>	<u>4735 Lure St. Ft Wayne</u>
9. <u>Charles R. Siebold</u>	<u>5606 Webster Ft. Wayne</u>
10. <u>Benedict Siebold</u>	<u>5606 Webster "</u>
11. <u>Robert Hertzog</u>	<u>2717 Priscilla Lane Ft. Wayne</u>
12. <u>Mary H. Hertzog</u>	<u>6521 Blum West Road Ft Wayne</u>
13. <u>Mary Lou Dine</u>	<u>3118 Standale Drive Ft Wayne</u>
14. <u>Velma Turner</u>	<u>3308 E. Maple Drive Ft. Wayne</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Paul P. Rhoads</u>	<u>5505-3 OLD DOVER</u>
2. <u>Beth Rhoads</u>	<u>" " "</u>
3. <u>Dorald W. Cunningham</u>	<u>2704 E. PAULDAWG - #8</u>
4. <u>Leverly Schneider</u>	<u>2100 St. Marys #426</u>
5. <u>Emiley Wiedman</u>	<u>761 Ewing Apt 106-C</u>
6. <u>Carol Chapman</u>	<u>1423 Fall Creek Rd.</u>
7. <u>Tommy Baister</u>	<u>2426 HAWKINS AVE #426</u>
8. <u>James H. Cassell</u>	<u>801 TENNESSEE APT. 103 FW</u>
9. <u>Nancy S. Cassell</u>	<u>801 TENNESSEE APT. 103</u>
10. <u>Donna J. Smith</u>	<u>3324 Casselwood 46816</u>
11. <u>DAN EMMERT</u>	<u>1933 1/2 Taylor St. 46802</u>
12. <u>Nelson McClure</u>	<u>4710 South Wayne Ave 46807</u>
13. <u>Eugene Jacques</u>	<u>7720 South Wayne Ave 46807</u>
14. <u>Susan D. Stone</u>	<u>305 W Postian St 46807</u>
15. <u>Jack Lee</u>	<u>133 W. Dewald 46802</u>
16. <u>Mary K. Turner</u>	<u>1303 Wenden Rd FL - 75</u>
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. <u>Frank De Pew</u>	<u>1111 Michigan Ave Ft. Wayne IN 46802</u>
2. <u>Dale L DePew</u>	<u>1111 Michigan Ave Ft Wayne 46802</u>
3. <u>Beverly J Hildebrandt</u>	<u>4110 Turf Lane Ft. Wayne IN 46804</u>
4. <u>Paul F. Hildebrandt</u>	<u>4110 Turf Lane, Ft. Wayne, IN 46804</u>
5. <u>Nell Bennett</u>	<u>3021 So. Harrison St. Ft Wayne IN 46807</u>
6. <u>Eleanor Browne</u>	<u>815 Home ave Ft. Wayne IN 46807</u>
7. <u>Max Wrafaul</u>	<u>2110 Cass</u>
8. <u>James Loggin</u>	<u>1835 Woodhaver Dr. Ft. Wayne, IN 46819</u>
9. <u>Walter Wood</u>	<u>2624 S. Tinker Ave IN 46803</u>
10. <u>Ned Ashkill</u>	<u>3601 Parkhill Ft Wayne IN 46805</u>
11. <u>Marjorie Ashkill</u>	<u>3601 Parkhill " " " 46805</u>
12. <u>Richard Roach</u>	<u>2937 Westbrook Dr. " " 46805</u>
13. <u>Carrae Roach</u>	<u>2937 Westbrook Dr. " " 46805</u>
14. <u>Russell M Braxton</u>	<u>7790 Garheigs Dr. 46816</u>
15. <u>Ruth Braxton</u>	<u>" " " " "</u>
16. <u>Dolores Ruskant</u>	<u>3824 Northcove, New Haven 46774</u>
17. <u>Marjorie Ashkill</u>	<u>3601 Parkhill Ft Wayne 46805</u>
18. <u>Henry Hollister</u>	<u>529 Edgeland Ft Wayne 46816</u>
19. <u>Bob Hollister</u>	<u>" " " "</u>
20. <u>William Pearson</u>	<u>2410 Sam Houston Dr Ft Wayne 46805</u>

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Harl + Sheila Donly	4313 CRT DR.
2.	Ann L. Linder	7917 Wildberry Ln., Ft. Wayne
3.	Cecilia A. Plumb	2121 JESSIE AVE 46808
4.	Randall S. Lush	8120 Saway Lane
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name

Address

1. Robert T. Bahmen 1206 Ludwig PK Drive
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

First Mennonite Church takes no stand on this issue

First Mennonite Church

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	H. Brandt	5221 TUNBRIDGE CROSSING
2.	Margaret Hanna	1217 N. Blvd. St.
3.	Lorine Linselman	928 Putman
4.	Thomas Dean	
5.	Elizabeth Hoover	415 Blake Dr.
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. James L. Maer	3626 HASTINGS RD. 46805
2. Patricia A. Parsley	7525 Mizer Rd 46815
3. Bruce & Geni McKee	1057 Delaware 46805
4. Connie & Ralph Petty	9801 Cinderella 46835
5. Cathy Radona	1472-C Reed Rd. 46815
6. Davis Wheeler	908 Donnell F.W. 46808
7. James Petty	9801 Cinderella Lane 46835
8. John Petty	9801 Cinderella Lane 46835
9. BILL WALLACE	1516 COLUMBIA F.W. 46807
10. ALAN WILBY	946 W. GIRCLE NEW HAVEN 46774
11. Robert Nick	3636 Logan Ave Ft. Wayne 46803
12. Debra Nick	3636 Logan Ave Ft. Wayne 46803
13. Norma Wells	234 Lincoln Hwy W. New Haven 46815
14. Dick Schaffer	6815 Adams Ct F.W. 46816
15. David Bogue	3636 Logan Ave 426-7981
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Nancy L. Taphi	5617 Oak Fall Rd 46845
2. Johnnie O. White	2209 Lakeshore Dr 46845
3. Frank & Louise Hartman	8708 Huntress Knoll
4. John & Kathleen Johnson	18015 Burge Rd - 46784
5. Ken & Diane Post	4814 W. Calif. Rd 46818
6. Marilyn Osterander	7029 W. Camp Rd 46818
7. Doug Clark	706 Pelham 46825
8. Janice Clark	706 Pelham 46825
9. Michael Goggin	1830 Old Warren Rd 46845
10. Johnnie Goggin	" " " "
11. Robert & Corolla Raus	714 Bridge Pointe
12. Paty Calaman	- 636 Waller Hills Dr #4
13. Pamela Charleston	1200 Bunker Hill Pl. 46825
14. Robert S. Charleston	1210 Bunker Hill Pl. 46825
15. Lela Lynn	11616 Carroll Lynn Dr. 46818
16. George Lynn	11616 CARROLL LYNN DR 46818
17. John Buckley	8121 Moss Grove 46825
18. Munda Buckley	8121 Moss Grove Pl 46825
19. Jenny Buckley	8121 Moss Grove Pl 46825
20. Rebecca Miller	11607 Trade Wind Cove 46845

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address	
1.	Daniel Ward	10402 Oak Trail Rd.	46845
2.	Jeff Jeff Kulow	5009 Exeter Dr	46815
3.	Bob [unclear]	same	same
4.	GE Nigroche + wife	2826 Longwood Ct	46845
5.	Mrs R.E. Nitzsche	" "	46845
6.	Mrs Susan Dantke	7234 Cold Spring Blvd	46825
7.	Helen M Fair	6332 Hillside Oaks	46818
8.	Raymond E. Fair	6332 Hillside Oaks	46818
9.	Emily Newburn	519 Prosperine Dr	46825
10.	Carol Hampton	1133 Brittany Pl.	46825
11.	Larry Hampton	1133 Brittany Pl.	46825
12.	Imperial [unclear]	1734 Co Rd 16 Auburn	
13.	Paul [unclear]	1734 Co Rd 16 Auburn	
14.	Jean Deper	2606 Brightwood Ctr	46845 Ft Wayne
15.	Ronald Dyer	2606 Brightwood Ctr	46845 Ft Wayne
16.	David [unclear]	5148 Northwest Dr	46825
17.	John W. Steinbeck	707 Rockingwood Ln	46845 Ft Wayne
18.	Ernest M. Sigeburn	"	
19.	Robert R. Newburn	5543 N Clinton	
20.	Larry A. Galt	2728 Westmore Dr.	46845 Ft. Wayne

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

Name	Address
1. Rich & Denise Kline	834 Woodland Springs Pl 46825
2. Connie & Karin Hubert	9319 Fritz Rd. Ft. Wayne 46818
3. Tom Bleakney	2522 Sandpoint Ft. Wayne 46809
4. Donald & Miriam Hubert	5635 Pathman Rd. Ft. Wayne 46855
5. Kellie & William Bredtger	1772 Whiteoakwood Ft. Wayne 46825
6. Dave & Judy Berggren	10112 Nottawa Tr. Ft. Wayne 46825
7. MARK & DAGNE LODWIG	5604 WOODLEA AVE FT WAYNE 46835
8. Gary & Steffany Correll	10315 Tumbleweed Ft. Wayne 46825
9. Carl & Betty	5220 Archwood Lane 46825
10. Alice A. Culp	" " " "
11. Alice Miller	
12. Debby Calvin	8927 Hickory Knoll Blvd. Ft. Wayne
13. William Calvin	8927 Hickory Knoll Blvd. Ft. Wayne
14. RoseAnn & Denny Schlegel	10326 Old Leo Rd #104 Ft. Wayne 46825
15. Bruno I. Rancourt	2605 W. Dupont Rd Ft. Wayne 46818
16. V. Randoyska	2605 W. Dupont Rd Fort Wayne 46818
17. Joe Chabany	535 Halldale Dr. Ft. Wayne 46845
18. Mary Bleakney	535 Halldale Dr Ft. Wayne 46845
19. Frank & Frances	7421 Sunderland 46835
20. Lorraine Warruck	10209 Valley Hill Lane 46825

Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.

STORM WATER RUN OFF TAX PETITION

We, the undersigned, request the City Council to Vote No on the NEW proposed Storm Water Run Off User Fee Tax:

	Name	Address
1.	Steve Barnett	8025 Charnell Ct.
2.	Paul Barnett	8025 Charnell Hwy 46818
3.	Von H. Gynies	7421 Sunderland Dr, FW 46835
4.	Trishella Ruff	1325 Cinders Ave 46805
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Please return to Associated Churches, 602 E. Wayne Street, Ft. Wayne, Indiana 46802 by October 25, 1994.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

January 13, 1995

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of January 17¹⁸ &
January 24²⁵, 1995, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-94-07-21 (as amended) (as amended)
(as amended) (as amended) (as amended)
General Ordinance No. G-04-95

Please send us 3 copies of the Publisher's Affidavit from both
newspapers.

Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert,

Please give the attached full coverage on the date of August 5, 1994,
in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-94-07-21
Stormwater Service

Please send us 3 copies of the Publisher's Affidavit from both
newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-94-07-21)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, AUGUST 16, 1994, AT 5:30 P.M., IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY AS DESCRIBED AS FOLLOWS:

BILL NO. G-94-07-21

AN ORDINANCE AMENDING CHAPTER 53: "STORMWATER SERVICE" OF THE CITY OF FORT WAYNE CODE OF ORDINANCES
THIS ORDINANCE ESTABLISHES A PERMANENT RATE STRUCTURE FOR STORMWATER SERVICES, WHICH WOULD REPLACE THE INTERIM RATE SCHEDULE IN EFFECT SINCE 1991. ALL RESIDENTIAL PROPERTY OWNERS SHALL PAY \$1.94 PER MONTH AS THEIR SERVICE FEE BASED ON A MEAN AMOUNT OF IMPERVIOUS AREA FOR RESIDENTIAL PROPERTY AT 2,500 FT., (ONE RESIDENTIAL EQUIVALENT UNIT) ALL NON-RESIDENTIAL PROPERTY OWNERS SHALL PAY A MULTIPLE OF THE \$1.94 PER MONTH, PER ERU. - THE NEW PERMANENT RATE WOULD GO INTO EFFECT JANUARY 1, 1995.

ALL INTERESTED PERSONS ARE INVITED TO APPEAR AND BE HEARD.

FORT WAYNE COMMON COUNCIL



SANDRA E. KENNEDY
CITY CLERK

LEGAL NOTICE

Notice is hereby given that on the 10th day of
January, 19 95, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-94-07-21 (as amended) (as amended) (as amended)
(as amended) (as amended) (as amended)
General Ordinance No. G-04-95 to-wit:

BILL NO. G-94-07-21 (AS AMENDED) (AS AMENDED)
(AS AMENDED) (AS AMENDED) (AS AMENDED)
(AS AMENDED)
GENERAL ORDINANCE NO. G-04-95

AN ORDINANCE AMENDING CHAPTER 53:
"STORMWATER SERVICE," OF THE CITY OF
FORT WAYNE CODE OF ORDINANCES.

WHEREAS, the Common Council of the City of Fort
Wayne passed Ordinances G-17-91 and Amended Ordinance G-
25-91 establishing an interim stormwater service charge
for users of the Fort Wayne Stormwater Utility in 1991;
and

WHEREAS, that schedule of interim Stormwater
Service Charges, which is still in effect, was based on
broad land-use classification of users, approximating the
average impervious stormwater runoff contributed by each
classification; and

WHEREAS, at the time of passage of Ordinance G-
17-91 and Amended Ordinance G-25-91, the Common Council
requested City Utilities staff to undertake a cost of
service and rate study in order to more accurately assess
stormwater service charges to individual users in a more
equitable manner than currently adopted in the interim
rate; and

WHEREAS, Woolpert Consultants along with David
M. Griffith and Associates, Inc. and Strand and
Associates, Inc. (Stormwater Consultants) were hired to
assist City Utilities in performing the necessary cost
of service and rate study analysis in order to implement
a more equitable stormwater billing system; and

WHEREAS, Common Council representatives, Board
of Public Works members, City Utilities and Civil City
staff, along with the Stormwater Consultants were
gathered to form a Stormwater Management Task Force to
consider all issues involved in arriving at an acceptable
stormwater management rate structure, which task force

1 WHEREAS, the work of the task force and
2 consultants was presented to the Common Council in
3 September, 1993; and

4 WHEREAS, the work of the Stormwater Consultants
5 and the Stormwater Management Task Force was completed in
6 July of 1994; and

7 WHEREAS, the work of the Stormwater Management
8 Task Force, in conjunction with that of the Stormwater
9 Consultants, culminated in a recommended stormwater rate
10 structure which is fair, equitable, revenue sufficient,
11 and which reflects the relative contribution of
12 stormwater runoff from a property, the benefits enjoyed,
13 and services received by each property as a result of the
14 collection of surface water, and which considers the
15 impervious area of the various properties within the
16 City, because the extent of storm and surface water
17 runoff from a particular parcel of property is largely a
18 function of its impervious area.

19 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
20 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

21 SECTION 1. Chapter 53 of the Code of
22 Ordinances of the City of Fort Wayne entitled "Stormwater
23 Management Department" be amended as follows:

24 SECTION 53. STORMWATER MANAGEMENT DEPARTMENT

25 SECTION 53.01 BOARD OF STORMWATER MANAGEMENT TO OPERATE
26 STORMWATER SYSTEM.

27 (A) Adoption of State Law.

28 The provisions of Indiana Code Chapter 8-1.5-5 are
29 hereby adopted in their entirety, and the following
30 entities established:

- 31 (1) A Department of Stormwater Management within
32 the Division of City Utilities.
- (2) A Board of Directors of the Department of
Stormwater Management which shall consist of
three (3) directors appointed by the Mayor,
not more than two (2) of whom may be of the
same political party. Directors shall serve
terms of four (4) years; however, the initial
terms shall be staggered. The Mayor may
remove a director at any time when, in the

judgment of the Mayor, it is for the best interest of the Department.

- (3) A Stormwater Management District, extending to the corporate boundaries of the City of Fort Wayne is hereby established for the purpose of providing for the collection and disposal of stormwater of the City in a manner which protects the public health and welfare, and for the purpose of assessing fees to pay for the cost of stormwater facilities and services. As the corporate boundaries of the City change, whether through annexation or otherwise, so shall the boundaries of the Stormwater District change.

(B) Powers of the Board.

The Board of Directors of the Department of Stormwater Management shall have exclusive jurisdiction over the collection and disposal of stormwater within the District, and shall possess all the powers and duties set forth in I.C. 8-1.5-3-4 and 8-1.5-5-6 including but not limited to the power to:

1. Establish and enforce Rules and Regulations governing the Department of Stormwater Management after approved in ordinance form by the Common Council.
2. Hold hearings following public notice.
3. Make findings and determinations.
4. Install, maintain and operate a stormwater collection and disposal system.
5. Make all necessary or desirable improvements of the grounds and premises under its control.
6. Recommend to the Common Council reasonable and just rates and charges for services to the customers of the District.

SECTION 53.02 PURPOSE AND OBJECTIVE.

The function of the Department of Stormwater Management is to provide for the safe and efficient capture and conveyance of stormwater runoff; mitigate the damaging effects of stormwater runoff; correct stormwater collection and conveyance problems; and fund the activities of stormwater management including design, planning, regulation, education, coordination, construction, operation, maintenance, inspection and enforcement activities, all for the protection of the public health, welfare and safety. It is the further function of the Department of Stormwater Management to insure the City of Fort Wayne's compliance with its NPDES Stormwater Discharge Permit(s).

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service in the City of Fort Wayne be established which allocates the cost of providing stormwater service to each user in such a manner that the charges assessed are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

SECTION 53.03 DEFINITIONS.

Whenever used in this Chapter 53, the meaning of the following words and terms shall be defined in this section:

ABATEMENT	Any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a stormwater drainage system.
AGRICULTURAL PROPERTY	A parcel or lot exceeding five (5) acres of land encompassing two (2) or more structures used to support agricultural activities.
APARTMENT/ CONDOMINIUM PROPERTY	A lot or parcel of real estate on which is situated a building containing 5 or greater single-family dwelling units, or on which 2 or more buildings each containing multiple single-family dwelling units are situated.
APPROVED PLANS	Plans approved by the Department of Stormwater Management according to a permits and plan review which will govern all improvements made within the City that require stormwater facilities or changes or alterations to existing stormwater facilities.
BOARD	Board of Directors of the Department of Stormwater Management established under Section 53.01 of the City of Fort Wayne Code of Ordinances.
CODE	Fort Wayne Code of Ordinances.
COMBINED SEWER	Pipe or conduit primarily designed to convey sanitary sewage and secondarily intended to convey stormwater.
DETENTION	The temporary storage of stormwater runoff in a basin, pond or other structure to control the peak discharge rates by holding the stormwater for a lengthened period of time and which provides some gravity settling of particulates.
DIRECTOR	The Director of the Division of City Utilities, City of Fort Wayne, Indiana.
DSM	Fort Wayne Department of Stormwater Management.
EQUIVALENT RESIDENTIAL UNIT (ERU)	A unit value, equal to the average amount of impervious area of a single family residential property within the City of Fort Wayne, and established at 2500 square feet of [measured] impervious area. It is also the basis for calculating the proper assessment of stormwater charges to all users of the Fort Wayne Stormwater System.

IMPERVIOUS AREA

Areas that has been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.

INFILTRATION

Infiltration is a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.

NON-RESIDENTIAL PROPERTY

All properties not encompassed by the definition of Residential shall be defined as Non-residential. Non-residential property will include:

- * - Agricultural property;
- * - Apartment and Condominium property
- * - Mobile Home Parks;
- * - Commercial property;
- * - Industrial property;
- * - Institutional property;
- * - Governmental property;
- * - Churches;
- * - Schools;
- * - Federal, State and Locals property; and
- * - any other property not mentioned in this or the list of residential properties below.

NPDES

National Pollutant Discharge Elimination System. Regulations for stormwater discharges as described in The Federal Register, 40 CFR Parts 122, 123 and 124.

NPDES PERMIT

Permit issued to the City pursuant to Section 402 of the Clean Water Act.

PEAK DISCHARGE

The peak discharge, sometimes called peak flow, is the maximum rate of flow of water passing a given point during or after a rainfall event.

PRIVATE STORMWATER FACILITIES

Various stormwater and drainage works not under the control or ownership of the City, County, State and/or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

PUBLIC STORMWATER FACILITIES

The various stormwater and drainage works under the control and/or ownership of the City, County, State or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets,

retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

**RESIDENTIAL
PROPERTY**

For the purpose of this ordinance, Residential Property refers to a lot or parcel of real estate on which a building or mobile home is situated which building contains a group of rooms forming a single inhabitable dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes a lot containing one individual building containing four (4) or fewer separate or contiguous single-family dwelling units. Each and every residential property shall be assigned one (1) ERU.

RETENTION

The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.

**SQUARE FOOTAGE OF
IMPERVIOUS AREA**

For the purpose of assigning an appropriate number of ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard to topographic features of the enclosed surface.

STORM SEWER

A sewer designed or intended to convey only stormwater, surface runoff, street wash waters, and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry stormwater only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer.

**STORMWATER SERVICE
CHARGE**

A charge imposed on users of the City's stormwater collection, impounding and transportation system.

**STORM WATER SERVICE
CUSTOMER/USER**

The owner of a lot or parcel of residential or non-residential property shall be considered the City Utilities Customer for the purpose of assessing stormwater service charges.

1 STORMWATER SYSTEM All constructed facilities,
2 including combined sewers,
3 structures and natural watercourses
4 under the ownership, and/or control
5 of the City used for collecting and
6 conducting stormwater to, through
7 and from drainage areas to the point
8 of final outlet, including, but not
9 limited to, any and all of the
10 following: inlets, conduits and
11 appurtenant features, creeks,
12 channels, catch basins, ditches,
13 streams, culverts, retention or
14 detention basins and pumping
15 stations; and excluding therefrom,
16 any part of the system of drains and
17 watercourses under the jurisdiction
18 of the Allen County Drainage Board.

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SECTION 53.04 STORMWATER SERVICE CHARGE.

 A stormwater service charge shall be imposed on each
and every lot and parcel of land within the City which
directly or indirectly contributes to the stormwater
system of the City, which charge shall be assessed
against the owner thereof, who shall be considered the
user for the purposes of this Ordinance. This charge is
deemed reasonable and is necessary to pay for the repair,
replacement, planning, improvement, operation, regulation
and maintenance of the existing and future City
stormwater system.

SECTION 53.05 STORMWATER RATE ESTABLISHMENT PROCEDURES.

A. The Stormwater Service Rate shall be \$1.80 per ERU
per month. For the purpose of this Ordinance, a month
shall be considered 25-35 days. Any billings for
stormwater service outside this time shall be on a per
diem basis.

B. This stormwater rate is designed to recover the cost
of rendering stormwater service to the users of the
Stormwater System, and shall be the basis for assessment
of the City's stormwater service charge. This rate is
established so as to maintain adequate fund reserves to
provide for reasonably expected variations in the cost of
providing services, as well as variations in the demand
for services.

C. This rate shall be evaluated annually as to its
sufficiency to satisfy the needs of the DSM.

SECTION 53.06 RATE STRUCTURE AND CALCULATION

A. For the purposes stated in Sections 53.02 and 53.05 there is hereby assessed a stormwater service charge to each user situated within the corporate limits of the City of Fort Wayne who contributes directly or indirectly to the stormwater system of the City, in an amount as determined below.

B. For any such property, lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the City, such charge shall be based upon the quantity of impervious area situated thereon.

C. All properties having impervious area within the City of Fort Wayne will be assigned an Equivalent Residential Unit (ERU), or a multiple thereof, with all properties having impervious area assigned at least one (1) ERU.

(1.) Residential Properties: A monthly flat-rate charge for stormwater service rendered to residential properties shall be charged to each account within the City limits according to the service address. All residential properties are hereby assigned one (1) ERU. This flat rate shall apply to all residential properties as defined herein.

(2.) Non-residential Properties: Non-residential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by 2500 square feet (one ERU). This division will be calculated to the first decimal place.

(3.) Only whole ERUs shall be used. All rounding necessary to reach the appropriate whole ERU shall be done according to mathematical convention (0-0.4 rounded down to nearest whole ERU; 0.5-0.9 rounded up to nearest whole ERU).

D. There shall be no exceptions or exemptions from the assignment of gross stormwater ERU's.

SECTION 53.07 BILLINGS AND TERMS OF PAYMENT.

(A.) BILLINGS.

All stormwater service bills shall be rendered on a monthly basis, along with the user's charges for other City Utility services.

(B.) TERMS OF PAYMENT.

The stormwater service charges prescribed in Section 53.06 shall be due on the payment date set out on the bill. It shall be a violation of this Chapter to fail to pay a stormwater service bill when due. All bills for stormwater services not paid on or before the due date, which due date shall be approximately 15 days after the bill is rendered, shall be subject to a collection or deferred payment charge of 10% on outstanding balance.

(C.) PAYMENT PRIORITY.

Stormwater service charges shall take priority over all other charges for City Utility services. Partial payments shall first be applied to satisfy the garbage user fee under Chapter 50 of the Code and secondly, to these charges.

(D.) COLLECTION.

Delinquent stormwater service charges may be collected in a civil action along with other delinquent City Utility charges, reasonable attorney fees and court costs.

SECTION 53.08 APPEALS OF ERU DETERMINATION.

A. If, in the opinion of any user, the ERU multiple assigned to his property is inaccurate in light of the amount of imperious area of said property, the user shall have the right to contest the ERU determination and thus the rate assessed in the following manner.

B. User shall obtain and complete a Petition to Appeal Stormwater Rate form (Petition) which shall be returned to the DSM with verifiable documentation supporting user's claim.

C. The DSM shall investigate user's claim and, upon review thereof, shall render a written determination that either the original ERU determination and assessed rate should be affirmed or the user's rate should be adjusted according to the Petition.

D. If user's Petition is denied, said opinion shall be forwarded to user by certified mail, return receipt requested. User shall then have seven (7) days from date of receipt to request a reconsideration by the Director. Any additional facts concerning the dispute shall be reduced to writing and submitted, along with a copy of the original Petition and supporting documents, to the Director. The DSM shall submit a written report of the determination in the case, along with any documents used in denying the user's claim.

E. Thereafter, the Director, or his designee, shall review all documentation and conduct, as necessary in his opinion, an informal hearing to determine and resolve the dispute based on the documentation submitted and any oral testimony. A written opinion shall be rendered within thirty (30) days after the hearing or submission of documentation if no hearing is conducted. The written opinion of the Director or his designee shall constitute the final DSM determination, and may be challenged by the user by a written request to the Board for formal consideration within fifteen (15) days of the Director's opinion.

1 F. The Board shall conduct a hearing and issue a
2 determination which shall be binding on the City
3 Utilities. The hearing shall be electronically recorded
4 and a transcript of the hearing provided upon request at
5 a cost per page as determined by the City Utilities
6 Accounting Department and amended from time to time.

7 G. A party or person aggrieved by the final Board
8 determination shall have the right to judicial review of
9 such determination in accordance with Indiana law.

10 H. If the DSM recommends the user's rate be reduced, or
11 reduction is ordered by the Director, Board or court of
12 law, user shall be credited accordingly for any
13 overpayment made from the date of the Petition. However,
14 for all Petitions submitted by July 31, 1995, the reduced
15 rate shall be applied retroactively to the first (1st)
16 billing of service charges under this Ordinance. Said
17 credit shall apply both to metered usage and the
18 stormwater service charge, until any overpayment has been
19 fully adjusted.

20 I. Dispute or appeal of an ERU determination or
21 stormwater service rate shall not be a valid reason for
22 non-payment of the originally assessed stormwater service
23 charge by the user.

24 J. The right to appeal a rate classification under the
25 interim stormwater rate schedule pursuant to Amended
26 Ordinances G-25-91 and G-32-93 shall expire on June 30,
27 1995.

28 **SECTION 53.09 DISCOUNT AND CREDITS POLICIES AND**
29 **PROCEDURE.**

30 This section establishes a discount for land and
31 buildings used for various purposes when exempt from
32 property taxation under I.C. 6-1.1-10-1, 6-1.1-10-2, 6-
33 1.1-10-4, 6-1.1-10-5, and 6-1.1-10-16.

34 This section also discusses some of the most common
35 credit considerations and requirements but is not
36 intended to be the exclusive authority. The Board,
37 through the Rules and Regulations of the DSM shall more
38 fully and completely establish the Credit Policies and
39 Procedures for stormwater management.

40 **A. DISCOUNTS**

41 The following categories of property exempt from
42 property taxation shall be entitled to a 15%
43 discount off of the gross ERUs assigned for any
44 such land or building under Section 53.06, where
45 the statutory exemption has been granted and can be
46 confirmed through the records of the Allen County
47 Auditor's Office, upon proper application for said
48 discount:

1. I.C. 6-1.1-10-1. Property of the United States and its agencies and instrumentalities.
2. I.C. 6-1.1-10-2. Property owned by the State of Indiana, and any agency thereof or the Indiana Bureau of Motor Vehicles Commission.
3. I.C. 6-1.1-10-4. Property owned by a Political Subdivision of the State of Indiana.
4. I.C. 6-1.1-10-5. Property owned by the City of Fort Wayne which is used to provide a municipal service.
5. I.C. 6-1.1-10-16. Property owned, occupied, and used for educational, literary, scientific, religious or charitable purposes.

B. CREDIT AVAILABILITY

1. Credit will be available to all properties for various forms and levels of abatement.
2. MAINTENANCE REQUIREMENTS - Credit will only be allowed for properties where structural controls are maintained in fully functional condition and according to maintenance criteria and design standards issued by the DSM.
3. EXISTING STRUCTURE CREDITS - Credit will be allowed for previously constructed abatement features or stormwater controls. The amount of credit granted will be determined by the methods of design as outlined within the Rules and Regulations of the DSM.
4. PROPERTY LOCATION - Credit will be granted on the basis of location of a given property in relation to a major waterway of the United States, if it directly discharges its stormwater to that waterway in conformance with all maintenance criteria and design standards as applicable. The waterways covered by this section shall include the St.-Mary's River, the St. Joseph River, the Maumee River, the major tributaries of these three (3) rivers and other ditches and drains specified in the Rules and Regulations of the DSM, and any legal public drains under the control by Allen County.
5. VOLUNTARY CONTROLS - For new developments, credit will be granted where the City requires abatement features or stormwater controls to be constructed and/or maintained, and all City standards and criteria are met. Other voluntary controls or upgrades of existing systems through retrofitting will be granted credits on a case-by-case basis considering the impact of the controls on the City's stormwater system, as determined by the DSM.

6. DETENTION/RETENTION - Credit will be granted for qualifying detention basins and wet ponds. Credit may be granted for other control devices on a case-by-case basis providing sufficient technical justification is available to make such determinations.
7. OVERSIZING - Oversized private stormwater facilities or improvements exceeding standard abatement design criteria and intended to serve an area larger than the immediate project site or designed to handle a larger than specified storm event as required by the DSM shall be considered for additional credit.
8. INDUSTRIAL NPDES PERMIT CREDITS - No credit shall be allowed for industries in compliance with federal laws and regulations regarding industrial stormwater discharge permits at this time.
9. POLLUTION REDUCTION - No Credit will be allowed for voluntary efforts to reduce the amount of pollutants in a user's stormwater runoff or for improvements to the quality of a user's stormwater discharge at this time.
10. REGIONAL BASINS - Credit will not be granted to properties draining into ponds or basins maintained or owned by the City. Credit will be considered for privately owned and maintained regional controls and will be apportioned among owners on a prearranged basis.
11. PERCENT DISCOUNTED CREDITS FOR PRIVATE STORMWATER FACILITIES - Discounts and Credits shall be computed on an ERU basis. A maximum credit of less than 100% of the gross ERUs originally assigned can be granted for the construction and maintenance of private stormwater facilities considering the potential of each to reduce peak and/or volume stormwater flow and direct discharge capabilities. Private stormwater facilities eligible for credits listed above constitute elements of the secondary drainage system. The secondary system is designed to drain a limited area with benefits limited to the owners of the particular property or owners of adjacent properties. As such, secondary elements of the system are not eligible for 100% credit.

Further, there are administrative costs involved with operation of the DSM which must be shared by all users, including costs incurred to meet quality-based permit requirements which provide community-wide benefits, and thus cannot be credited. Discounts and credits shall be cumulative; however, in no case shall the total amount of discounts and credits equal 100% of the user's gross stormwater service fee.

The formula for determining the applicable credit percentage for individual parcels shall be specifically set out in the Rules and Regulations of the DSM.

12. FEDERAL, STATE, CITY AND COUNTY ROADWAYS, PUBLICLY-OWNED AIRPORT MOVEMENT AREAS - Publicly-owned streets and roads and highways shall be given 100% credit in reliance on governmental guidance documents which classify them as an integral part of the stormwater conveyance system. Publicly-owned airport movement areas including runways, taxiways, ramps and other areas of an airport which are used for taxiing or hover taxiing, air taxiing, takeoff, and landing of aircraft when constructed and maintained similarly to public roadways, shall also qualify for this credit. The surface water control systems incorporated in the design of roadways and airport movement are areas engineered to convey all design runoff without street flooding, etc. associated with frequent, small runoff events up to about 5 or 10 year recurrence intervals, and as such, constitute elements of the primary drainage system. Primary elements of the drainage system yield community-wide benefits and are installed to service the general public's interests, conveying runoff from large areas encompassing whole watersheds in some cases.

C. PROCEDURE

1. TIMING OF APPLICATIONS/DETERMINATIONS - Application for credits shall be made on forms provided by City Utilities and accompanied by the appropriate application fee. The fee shall be \$25.00 for residential users and \$100.00 for all others. It is the intent of the City that all applications will be reviewed and credits and discounts determined within thirty (30) days after submittal of a complete and correct application package. The credit will be effective on the 1st billing cycle for that property following completion of construction, or the date of the application. However, for all applications submitted by July 31, 1995, the credit or discount will be applied retroactively to the first billing of service charges under this Ordinance.
2. APPEALS - Appeals of credit or discount determinations shall be handled consistent with the procedures set out above for reconsideration of ERU Petitions. Appeals of credit or discount decisions will be made initially to the Director, or his designee. Should satisfaction not be achieved, an appeal may be lodged with the Board.
3. Application for credit or discount, or appeal of determination thereon shall not constitute a valid reason for non-payment of the originally assessed stormwater service charge by the user.

SECTION 53.10 STORMWATER FUND.

All revenues earned and fees collected for stormwater service, including but not limited to, drainage service charges, permit and inspection fees, direct charges and interest earnings on any unused funds shall be deposited in an account entitled "City of Fort Wayne Stormwater Account." Disbursements from this account will be authorized by the Board and, as required by law, the Common Council. Such disbursements will be used exclusively for the operation, maintenance and improvement of the City's stormwater system. Funds from this account shall not revert to any other City Utilities or Civil City fund and may not be transferred for any other purpose, including to avoid a default on bonds or any City Utilities fund or the City.

SECTION 53.11 LIEN ON PREMISES.

Each stormwater service charge rendered under or pursuant to this chapter is hereby made a lien upon the corresponding lot, parcel of land, building or premises which contributes directly or indirectly to the stormwater system of the City, and, if the same is not paid within ninety days after it shall be due and payable, it shall be certified to the Auditor of Allen County; who shall place the same on the tax duplicate of said County with the interest and penalties allowed by law to be collected as other taxes are collected.

SECTION 53.12 VIOLATIONS AND ENFORCEMENT.

A. Failure to pay a stormwater user fee when due shall constitute a violation of this Chapter, which shall be enforced by the Director and such deputies as the Director, with the approval of the Board, may appoint for such purposes.

B. In order to protect the integrity of the Fort Wayne Stormwater Utility, it is determined to be a violation of this Chapter to permit, allow or engage in the dumping or disposal of materials other than stormwater into the City's municipal separate stormwater system.

C. It shall be a violation of this Chapter to permit, allow or engage in the discharge of domestic sewage or industrial waste into any waterway of the United States including, but not limited to, the St. Mary's River, the St. Joseph River, the Maumee River, any of their tributaries or streams, or any streets, storm sewers or drains, ditches or drainage ways leading to any such waterway of the United States.

D. It shall be a violation of this Chapter to store polluting substances, as identified by USEPA or IDEM, in a manner which violates any federal, state or local statute, ordinance or regulation relating to the protection of the public health, safety and welfare or environment, when such storage is shown to have the potential of allowing discharge to any waterway of the United States including, but not limited to, the St. Mary's River, the St. Joseph River, the Maumee River, any of their tributaries or streams, or any streets, storm sewers or drains, ditches or drainageways leading to any such waterway of the United States.

- 1 E. Whenever said Director or any such deputy shall
2 deem it appropriate to charge any person with
3 violation(s) of this Chapter, he shall issue to
4 such person a Notice of Violation and/or summons,
5 which shall be processed according to the
6 provisions of I.C. 34-4-32-1.

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SECTION 53.13 PENALTY.

- A. Any non-residential user charged under Section 53.12(A) above and found to be in violation shall be subject to a fine of up to \$2500.00 per day and shall be held responsible for the amount of the outstanding bill, in lieu of a collection action and assessment of collection or deferred payment charges set out in Section 53.07 (B) and (C) or lien procedures under Section 53.11.
- 1B. Any user found in violation of Section 53.12(B) shall be subject to a fine of up to \$2,500.00 per day. In addition, said user may also be held responsible for any costs incurred by the City in rectifying a situation of pollution to the waterways of the United States and/or for repairing any damage to the public stormwater facility, and or the stormwater system.
- C. Each day that such violation(s) or noncompliance continues shall constitute a separate offense. Any fine assessed by the court shall be deemed a civil judgment.

SECTION 53.14 SEVERABILITY.

- A. The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.
- B. All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne in conflict herewith are hereby repealed.

SECTION 2. That this Ordinance shall be in full force and effect beginning sixty (60) days after passage and any and all necessary approval by the Mayor and publication thereof.

Samuel J. Talarico

Samuel J. Talarico

Council Member

Read the third time in full and on motion by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
GiaQuinta, Henry, Long, Lunsey, Ravine, Schmidt
NAYS: One
Talarico
ABSTAINED: None
ABSENT: Two
Bradbury, Edmonds

DATED: 1-10-95

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-04-95 on the 10th day of January, 1995

ATTEST:

SEAL

Sandra E. Kennedy
City Clerk

Donald J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of January, 1995, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kenendy
City Clerk

Approved and signed by me this 13th day of January, 1995, at the hour of 2:00 o'clock A.M., E.S.T.

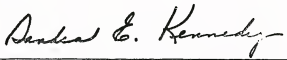
Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of

General _____ Ordinance No. G-04-95 _____,
passed by the Common Council on the _____ 10th _____ day of
January _____, 19 95 _____, and that said Ordinance was
duly signed and approved by the Mayor on the _____ 13th _____ day of
January _____, 19 95 _____, and now remains on file and
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this _____ 13th _____ day of _____ January _____, 19 95 _____.

SEAL


SANDRA E. KENNEDY, CITY CLERK

FW COMMON COUNCIL
(Governmental Unit)
ALLEN County, Indiana

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

848 lines, 1 columns wide equals 848 equivalent lines
at .495 cents per line \$ 419.76

Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM \$ 420.76

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: JAN 25, 19 95 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

ATTACH COPY
OF ADVERTISEMENT
HERE

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L. ROBYANS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time _____, the dates of publication being as follows:
1-18-25-1995

Subscribed and sworn to before me this _____ day of JAN, 19 95.

MARY L. ADKSON
Notary Public
MARY L. ADKSON
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

FW COMMON COUNCIL
(Governmental Unit)
ALLEN County, Indiana

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

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Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: JAN 25, 19 95

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

ATTACH COPY
OF ADVERTISEMENT
HERE

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L. ROHYANS who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

1-18-25-1995

Subscribed and sworn to before me this 25th day of JAN, 19 95.

MARY L. ADKISON
NOTARY PUBLIC
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP. JUNE 14, 1997

Fort Wayne, IN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

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Total number of lines in notice

COMPUTATION OF CHARGES

31 lines, 1 columns wide equals 31 equivalent lines
at .33 cents per line

\$ 10.23

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

§ 11.23

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: AUG 5, 1994

Title: **Clerk**

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-94-07-21)
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 16, 1994, at 5:30 p.m., in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly as described as follows:

follows: BILL NO. 89-047-21
 An ordinance amending Chapter 53: "Stormwater Service" of the City of Fort Wayne Code of Ordinances.
 This ordinance establishes a permanent rate structure for stormwater services, which would replace the interim rate schedule in effect since 1991. All residential property owners shall pay \$1.94 per month as their service fee based on a mean annual of impervious area for residential property at 2,500 ft. (one residential equivalent unit) all non-residential property owners shall pay a multiple of the \$1.94 per month per ERU. The new permanent rate would go into effect January 1, 1995.
 All interested persons are invited to appear and be heard.
 FORT WAYNE COMMON COUNCIL
 SANDRA E. KENNEDY
 CITY CLERK
 #633910
 8-5

8-5 FORT WAYNE COMMON COUNCIL
SANDRA E. KENNEDY
CITY CLERK
#683910

personally appeared before me, a notary public in and for said county and state, the undersigned _____, who, being duly sworn, says that he/ she is _____ Clerk of the _____ **The News-Sentinel** newspaper of general circulation printed and published in the English language in the (city) (town) of **Fort Wayne, IN** _____ in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for _____ time _____, the dates of publication being as follows:

Subscribed and sworn to before me this 5th day of AUG, 1994

My commission expires: NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

MY COMMISSION EXP JUNE 14, 1997

FW COMMON COUNCIL
(Governmental Unit)To: The Journal-Gazette
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

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(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM \$ 11.23

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: AUG 5, 19 94 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

8/5/94

Subscribed and sworn to before me this 5th day of AUG, 1994.

MARY L ADKINSON
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997